

# **BANG Energy Drink Survey Report**

**E. Deborah Jay, Ph.D.  
April 2019**

**JAY**  

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**SURVEY**  

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**STRATEGICS**  

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## **Report of E. Deborah Jay, Ph.D.**

### **I. Introduction and Summary**

I am a principal and founder of Jay Survey Strategies LLC, a California research firm that specializes in providing survey design, sampling, data collection and statistical analysis. Jay Survey Strategies was retained on behalf of Monster Energy Company to conduct a survey with a nationwide representative sample of adults age 18 and older who were prospective buyers of energy drinks.<sup>1</sup> The purpose of the Jay Survey was to determine whether prospective buyers of energy drinks are likely to mistakenly believe that BANG's energy drink provides an energy boost from creatine due to the language on the can for BANG's energy drink.

As described in more detail in the discussion that follows, after accounting for noise, approximately one-fifth (21%) of prospective energy drink buyers are likely to mistakenly believe that BANG's energy drink provides an energy boost from creatine due to the language on the can for BANG's energy drink.

### **A. Summary of Methodology**

The Jay Survey was conducted between February 19, 2019 and March 8, 2019. Jay Survey Strategies developed a questionnaire for the survey to be administered over the Internet with randomly-selected adults age 18 and older. Under my design, direction and supervision, YouGov, a full-service marketing research firm, selected the sample and collected the data for the Jay Survey using its online panel, which consists of approximately 2 million persons who are representative

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<sup>1</sup> Jay Survey Strategies is performing this study on a time and materials basis. Because work in connection with this project is ongoing, I do not yet know the total project costs. The hourly rate that Jay Survey Strategies is charging for my time on this project in 2019 is \$650. Jay Survey Strategies' compensation is not dependent on the outcome of this litigation.

of all adults age 18 and older in the United States. Background information on YouGov's online panel is in Appendix F.

### **Eligibility Criteria**

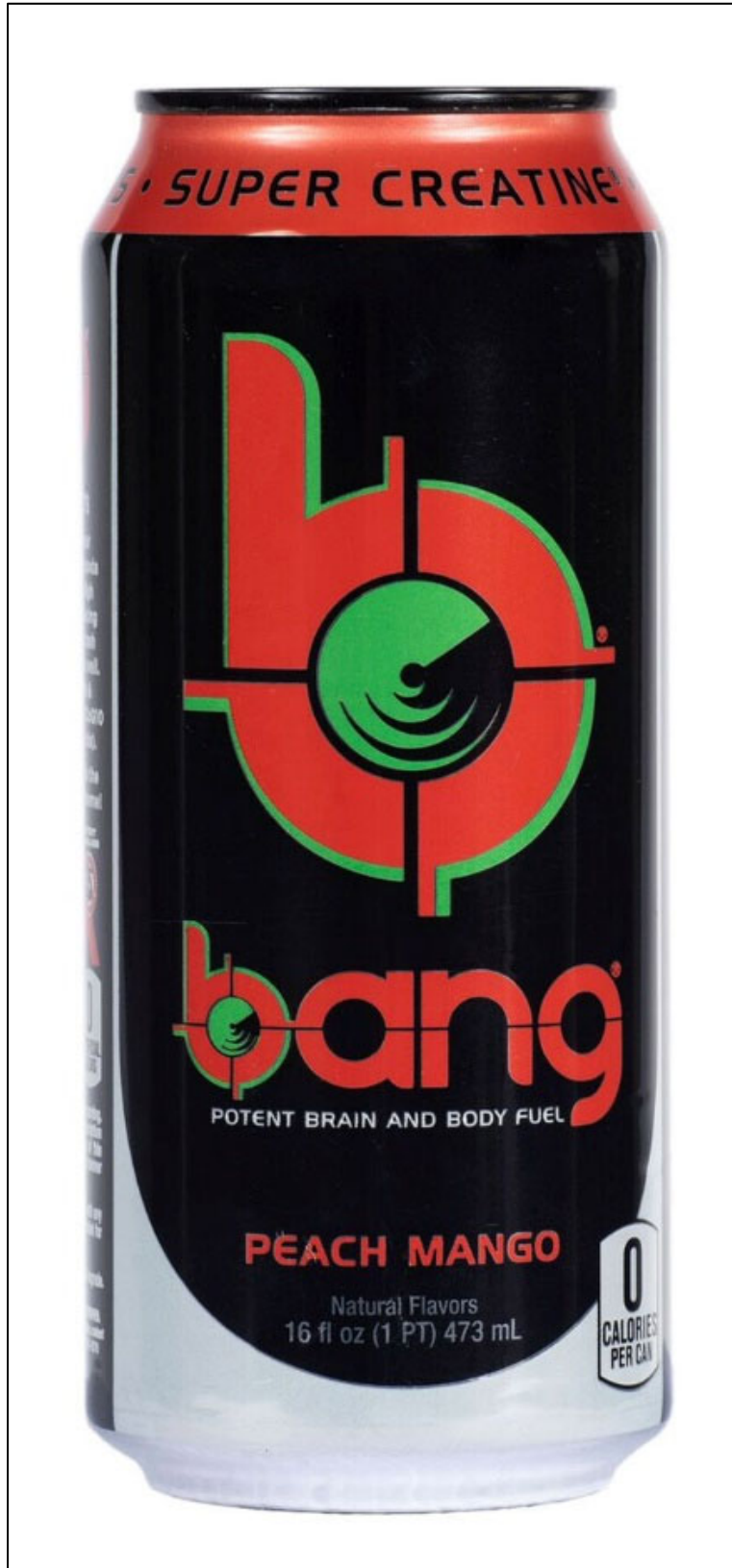
To be eligible for the Jay Survey, adults age 18 and older had to indicate that they would be likely to buy an energy drink in the next 3 months.<sup>2</sup> In all, 6,540 randomly-selected adults age 18 and older were screened for eligibility and, of these, 628 adults (10%) qualified for the Jay Survey (*i.e.*, they indicated that they were likely to buy an energy drink in the next 3 months, and they did not work for a beverage company, or for an advertising agency or marketing research firm). Half of the 628 qualified survey respondents was randomly assigned to the Test Group (314 survey respondents), and the other half was randomly assigned to the Control Group (314 survey respondents). Then, each group of survey respondents was shown three photos of a different can for BANG's peach mango energy drink.

### **Test Group Stimuli**

Test Group respondents were shown three photos of the actual can for BANG's peach mango energy drink. The ingredients "SUPER CREATINE<sup>®</sup>," "BCAA AMINOS," and "ULTRA COQ10" are prominently displayed at the top of the can for BANG's peach mango energy drink. The following statement appears on the side of the can: "Power up with BANG's potent brain & body-rocking fuel: Creatine, Caffeine, CoQ10 & BCAAs (Branched Chain Amino Acids)." The phrase "SUPER CREATINE<sup>®</sup> (Creatyl-L-Leucine [Creatine bonded to L-Leucine])" also is included in the list of ingredients on the can. Following are the three photos of the actual can for BANG's peach mango energy drink that were shown to Test Group respondents.<sup>3</sup>

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- 2 Qualifying survey respondents also had to agree to answer all survey questions on their own, without asking anybody else for help or referring to reference materials or the Internet, and they could not live in a household in which someone worked for a beverage company, or for an advertising agency or marketing research firm.
  - 3 Test Group respondents could use their keyboard or mouse to enlarge the photos.

**TEST PHOTO 1**



TEST PHOTO 2





TEST PHOTO 3



### Control Group Stimuli

Control Group respondents were shown three photos of a modified can for BANG's peach mango energy drink. I understand that BANG's peach mango energy drink does not contain creatine, and it is not a significant source of BCAA aminos or ultra CoQ10 either. For this reason, the ingredients "SUPER CREATINE®," "BCAA AMINOS" and "ULTRA COQ10" were redacted from the top of the control can.

I also understand that caffeine is the source of BANG's "brain and body rocking fuel" (not creatine, CoQ10 or BCAAs), and that although BANG does not contain creatine, it does contain Creatyl-L-Leucine. Therefore, the statement "Power up with BANG's potent brain & body-rocking fuel: Creatine, Caffeine, CoQ10 & BCAAs (Branched Chain Amino Acids)" on the side of the control can was replaced with what I understand to be a correct statement. The corrected statement was worded in the following manner: "Power up with BANG's potent brain & body-rocking fuel: Caffeine. Also contains Creatyl-L-Leucine, CoQ10 & BCAAs (Branched Chain Amino Acids)." Because I understand that BANG does not contain creatine (but does contain Creatyl-L-Leucine), the phrase "SUPER CREATINE® (Creatyl-L-Leucine [Creatine bonded to L-Leucine])" was replaced with the word "Creatyl-L-Leucine" in the list of ingredients on the can.

Following are the three photos of the modified can for BANG's peach mango energy drink that were shown to Control Group respondents.<sup>4</sup>

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<sup>4</sup> Control Group respondents could use their keyboard or mouse to enlarge the photos.



**CONTROL PHOTO 1**



CONTROL PHOTO 2



CONTROL PHOTO 3



Control Group respondents were shown the modified can for BANG's peach mango energy drink to determine whether confusion in the Test Group regarding the source of BANG's energy boost, if any, was due to the language on the actual can regarding the ingredients in BANG or whether it was due to other reasons (such as, guessing and other sources of "noise.").

### Questions for Qualified Survey Respondents

Test group and Control Group respondents were asked to look at the three photos of the product they were shown as if they were considering whether to buy the product, after which they were asked up to four questions about the product in the photos.<sup>5</sup> The four questions were the same for the Test Group and the Control Group respondents.

The first question was a general, open-ended question about the main messages or ideas conveyed by the package, sometimes called a "communication" question:<sup>6</sup>

What, if anything, does this package mainly communicate to you about this product?

The second question was a directed question or "comprehension" question which assessed whether survey respondents understood the product in the photos to be an energy drink:

Do you think consuming this product...?

Will boost your energy  
Will not boost your energy  
Don't know

The order of the first two response categories for this question was randomized across survey respondents. Survey respondents who said that consuming the product will boost their energy were asked a "filter question" to determine whether they thought the package communicated what ingredients in the product will boost their energy:

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5 Before these questions were asked, survey respondents were asked if they could see the photos, and only those survey respondents who indicated that they were able to see the photos were eligible to participate in the survey.

6 Survey respondents could refer back to the photos of the can they were shown when answering the survey questions.

Do you think the package...?

Does communicate what ingredients in this product will boost your energy  
Does not communicate what ingredients in this product will boost your energy  
Don't know

The order of the first two response categories for this question also was randomized across survey respondents. Survey respondents who said the package does communicate what ingredients in the product will boost their energy were asked one additional open-ended question concerning the ingredients in the product:

What ingredient or ingredients in this product do you think will boost your energy?

Before any questions were asked about the product in the photos, the survey informed respondents that we were only interested in their opinions and beliefs, and instructed survey respondents to indicate whether they did not know the answer to a question or have an opinion or belief.

### **Survey Administration**

The Jay Survey was double-blind (neither the persons administering the survey, nor the survey respondents, were told the name of the sponsor of the survey, that the survey was intended to measure whether the information regarding the ingredients on the package for BANG's energy drink was misleading, or that the survey was being conducted in connection with litigation).

The Jay Survey was performed according to accepted survey standards and in conformity with the guidelines discussed in the *Federal Manual for Complex Litigation*, 4th Ed. §11.493 (2004) and the *Reference Guide on Survey Research*, *Federal Reference Manual on Scientific Evidence*, 3rd Ed. (2011). The survey population was properly defined as adults age 18 and older who were likely to buy an energy drink in the next 3 months, and the sample selected was representative of that population. The questions asked in the Jay Survey were clear and not leading. The data gathered for the Jay Survey were accurately reported, and the data were analyzed in accordance with accepted statistical principles. The Jay Survey was conducted, under my direction,



by survey research professionals following proper survey procedures, and the entire process was conducted so as to ensure objectivity.

## **B. Summary of Findings and Conclusions**

As described in more detail in this report, the Jay Survey found:

1. Survey respondents in the Test Group (59%) and the Control Group (54%) were most apt to say that the BANG can mainly communicate that the product is an energy drink, will energize you, or provide brain or body fuel (or words to that effect).
2. When directly asked whether the product will or will not boost your energy, most of the survey respondents in the Test Group (86%) and the Control Group (84%) said that BANG will boost your energy.
3. Most survey respondents in the Test Group (81%) and the Control Group (75%) also said that the BANG can communicate what ingredients in the product will boost your energy.
4. A similar percentage of survey respondents in the Test Group (47%) and the Control Group (48%) said that caffeine was one of the ingredients in BANG that will boost your energy.
5. A much larger percentage of survey respondents in the Test Group (22%) than in the Control Group (less than 1%) said that creatine was one of the ingredients in BANG that will boost your energy.
6. To determine how many Test Group respondents said creatine was one of the ingredients that will boost your energy because of the language on the actual BANG can, the results for the Control Group (the group shown the modified BANG can which does not refer to super creatine or creatine) were subtracted from the results for the Test Group.
7. The 22% of Test Group respondents who said creatine was one of the ingredients that will boost your energy minus the less than 1% of Control Group respondents who said the same thing is 21 percentage points (a percentage which I consider to be above the threshold for actionable confusion).
8. This means that approximately one-fifth (21%) of the survey respondents in the Test Group thought that creatine was one of the ingredients in BANG that will boost your energy due to the language on the actual BANG can.

9. The 21 percentage-point difference between the percentage in the Test Group and the Control Group who thought creatine was one of the ingredients in BANG that will boost your energy is substantial and significant.

Based on the overall design and execution of the Jay Survey, it provides representative and reliable information regarding adults age 18 and older who are prospective buyers of energy drinks. In my opinion, the Jay Survey strongly supports the conclusion that prospective buyers of energy drinks are likely to be confused regarding the source of BANG's energy boost due to the language on the BANG can.

The findings of the Jay Survey and my conclusions are described in more detail in the remainder of this report, which is based on information that I have been provided and analyses that I have performed thus far.<sup>7</sup> I understand that I may be provided with additional information or asked to perform further analyses. If so, this report may be amended or revised.

## **II. Credentials**

I am a principal and founder of Jay Survey Strategies LLC, a California research firm that specializes in providing survey design, sampling, data collection and statistical analysis. I have more than 40 years of experience conducting large-scale surveys of all types (*e.g.*, mail, Internet, telephone, and in-person), including surveys for public agencies, nonprofit organizations, private companies and law firms. During my career, I have designed and directed well over 800 surveys and more than 400 surveys in legal cases. I have testified on behalf of plaintiffs and defendants in proceedings before state and federal courts and other tribunals (such as the U.S. Patent and Trademark Office and the U.S. International Trade Commission) in numerous cases, and routinely

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<sup>7</sup> The materials I considered in forming my opinions are described in Appendix C; screenshots showing how the questionnaire appeared on the computer are in Appendix D; and a detailed description of the methods used to conduct the Jay Survey is in Appendix E.



have been qualified by courts as an expert in survey methodology.<sup>8</sup> I also have lectured on litigation surveys and survey methods before bar associations, trade associations, and business and law schools, and been on the faculties of numerous continuing legal education programs.

I am past chair of the Council of American Survey Research Organizations (CASRO), a not-for-profit trade association representing more than one hundred commercial survey research companies in the United States, and I chaired the Standards Committee for the American Association for Public Opinion Research, a professional society of over 2,000 individuals engaged in opinion research, market research, and social research at public agencies, nonprofit organizations and private companies.<sup>9</sup> I have served on the editorial board of several journals, and my publications include articles in the *Trademark Reporter*, the *Encyclopedia of Survey Research Methods*, *Polling America: An Encyclopedia of Public Opinion*, and *Trademark and Deceptive Advertising Surveys: Law, Science and Design*.

I hold a bachelor's degree in psychology and political science from the University of California at Los Angeles (magna cum laude) and a master's degree and doctorate in political science from the University of California at Berkeley. Before founding Jay Survey Strategies, I served for 23 years as President and CEO of Field Research Corporation, the highly-respected marketing and opinion research firm started by Mervin Field in 1945. When I was President and CEO of Field Research, we conducted over 100,000 interviews per year with representative samples of the public, consumers, corporate executives, and other populations. Field Research also conducted the nationally-quoted *Field Poll*, which tracked voter preferences in all major statewide elections in California. During my tenure, the average deviation between *The Field Poll's* final

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<sup>8</sup> Appendix A includes a list of cases in which I have testified in deposition and/or at trial during the past four years, and Appendix B includes my resume and a list of publications and presentations I have authored (or coauthored) during the past 10 years.

<sup>9</sup> CASRO merged with the Marketing Research Association (the MRA) in January 2017 to form the Insights Association.

pre-election poll in California and the actual percentage vote in California for the winning candidate in elections for President, Governor and U.S. Senate was approximately two percentage points, and the *Field Poll* received an A+ rating for accuracy from the highly-respected statistician Nate Silver on his [www.fivethirtyeight.com](http://www.fivethirtyeight.com) website.

I also have been a program director at SRI International (formerly Stanford Research Institute), a manager with KPMG Peat Marwick in San Francisco, and a research associate at the Survey Research Center at the University of California at Berkeley.

### **III. Findings**

This section describes the findings from the Jay Survey. The verbatim responses to the open-ended questions are in Appendix G and Appendix H for the Test Group and Appendix I and Appendix J for the Control Group.

#### **A. What the Package Mainly Communicates about BANG**

Qualifying survey respondents were first asked the following general, open-ended question about the product they were shown: "What, if anything, does this package mainly communicate to you about this product?" Table 1 summarizes the responses to this question. As shown in Table 1, survey respondents in the Test Group (59%) and the Control Group (54%) were most apt to say that the BANG can mainly communicates that the product is an energy drink, will energize you, or provide brain or body fuel (or words to that effect).

Table 1 What the Package <u>Mainly</u> Communicates About the Product*		
	Test Group (Actual Can)	Control Group (Modified Can)
	(n = 314)	(n = 314)
An energy drink, it energizes you or is body or brain fuel	59%	54%
Low in sugar or no sugar	22	20
Different, not typical, or a better option	14	9
Low-calorie or no calorie	12	13
Has caffeine	10	13
Healthy or healthier than sugary drinks	8	8
Won't crash and burn	7	4
It's Bang	6	7
Has vitamins	4	4
Low-carb, no carb or keto-friendly	4	2
Has creatine, BCAA aminos or COQ10	4	1
None of the above/Misc. other responses <u>only</u> (e.g., it's peach mango, tasty, good, made in the U.S., natural, not for people under 18 or on prescriptions)	14	16
Don't know	8	7

\* Based on Question C1. Note, percentages add to more than 100% because some respondents said that the package mainly communicated more than one thing.

## B. Whether Consuming BANG Will Boost Your Energy

Next, survey respondents were asked whether they thought consuming the product they were shown will or will not boost their energy. Table 2 summarizes survey respondents' answers to this question. As shown in Table 2, most of the survey respondents in the Test Group (86%) and the Control Group (84%) said that they thought consuming BANG will boost your energy.

Table 2 Whether BANG Will Boost Your Energy*		
	Test Group (Actual Can)	Control Group (Modified Can)
	(n = 314)	(n = 314)
Will boost your energy	86%	84%
Will <u>not</u> boost your energy	5	6
Don't know	9	10

\* Based on Question C2.

### C. Whether the Package for BANG Communicates What Ingredients Will Boost Your Energy

Survey respondents who said that BANG will boost your energy were asked whether the package they were shown does or does not communicate the ingredients in the product that will boost your energy. Table 3 summarizes survey respondents' answers to this question. As shown in Table 3, most survey respondents in the Test Group (81%) and the Control Group (75%) said that the can they were shown does communicate which ingredients in BANG will boost your energy.

<b>Table 3</b> <b>Whether the Package for BANG Communicates What Ingredients in the Product Will Boost Your Energy*</b>		
	<b>Test Group (Actual Can)</b>  <i>(n = 314)</i>	<b>Control Group (Modified Can)</b>  <i>(n = 314)</i>
Does communicate the ingredients	81%	75%
Does <u>not</u> communicate the ingredients	4	6
Don't know	<1	3
<i>Not applicable – Did not say the product will boost your energy</i>	14	16

\* Based on Question C3.

### D. What Ingredients in BANG Will Boost Your Energy

Survey respondents who said that the package they were shown does communicate which ingredients in the product will boost their energy were asked the following question: "What ingredient or ingredients in this product do you think will boost your energy?" Survey respondents' answers to this question are summarized in Table 4. As shown in Table 4, a similar percentage of survey respondents in the Test Group (47%) and the Control Group (48%) said that caffeine was one of the ingredients in BANG that will boost your energy. However, a much larger percentage of survey respondents in the Test Group (22%) than in the Control Group (less than 1%) said that creatine was one of the ingredients in BANG that will boost your energy.

To determine how many Test Group respondents said creatine was one of the ingredients that will boost your energy because of the language on the actual BANG can, the results for the Control Group (the group shown the modified BANG can which does not refer to super creatine or creatine) were subtracted from the results for the Test Group. The 22% of Test Group respondents who said creatine was one of the ingredients that will boost your energy minus the less than 1% of Control Group respondents who said the same thing is 21 percentage points (a percentage which I consider to be above the threshold for actionable confusion). This means that approximately one-fifth (21%) of the survey respondents in the Test Group thought that creatine was one of the ingredients in BANG that will boost your energy due to the language on the actual BANG can. The 21 percentage-point difference between the percentage in the Test Group and the Control Group who thought creatine was one of the ingredients in BANG that will boost your energy is substantial and significant.

<b>Table 4</b> <b>What Ingredients in BANG Will Boost Your Energy*</b>		
	<b>Test Group</b> <b>(Actual Can)</b>	<b>Control Group</b> <b>(Modified Can)</b>
	<i>(n = 314)</i>	<i>(n = 314)</i>
Caffeine	47%	48%
Creatine	22	<1
Super creatine	1	<1
Creatyl or Creatyl-L-Leucine	0	2
BCAA aminos or amino acids	9	5
COQ10 or Ultra COQ10	9	3
Vitamins	14	15
Misc. other responses	13	13
Don't know	10	11
<i>Not applicable – Did <u>not</u> say the package communicates which ingredients in the product will boost your energy</i>	5	9
<i>Not applicable – Did <u>not</u> say the product will boost your energy</i>	14	16

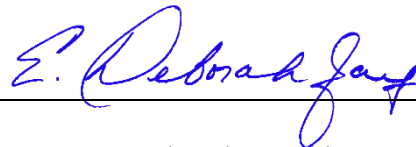
\* Based on Question C4. Note, percentages add to more than 100% because some respondents mentioned more than one ingredient.

#### IV. Conclusions

The Jay Survey was performed according to accepted survey standards and in conformity with the guidelines discussed in the *Federal Manual for Complex Litigation*, 4th Ed. §11.493 (2004) and the *Reference Guide on Survey Research, Federal Reference Manual on Scientific Evidence*, 3rd Ed. (2011). Based on the overall design and execution of the Jay Survey, it provides representative and reliable information regarding adults age 18 and older who are prospective buyers of energy drinks. In my opinion, the Jay Survey strongly supports the conclusion that prospective buyers of energy drinks are likely to be confused regarding the source of BANG's energy boost due to the language on the BANG can.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 10th day of April 2019 at Redwood City, California.



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E. Deborah Jay, Ph.D.

## **Appendix A**

### **E. Deborah Jay, Ph.D. Deposition and Trial Testimony During the Past Four Years**



**E. Deborah Jay, Ph.D.**  
**Deposition and Trial Testimony During the Past Four Years**

1. *RXD Media, LLC v. IP Application Development LLC and Apple, Inc.* (United States District Court, Eastern District of Virginia)  
Case No. 1:18-CV-486-LO-TCB
2. *Erik M. Underwood v. Bank of America* (United States District Court, District of Colorado)  
Case No. 1:18-CV-02329-WYD
3. *Solid 21, Inc. v. Hublot of America* (United States District Court, Central District of California)  
Case No. 2:11-CV-00468-DMG-JC
4. *Saxon Glass Technologies, Inc. v. Apple, Inc.* (United States District Court, Western District of New York)  
Case No. 1:15-CV-00581-EAW-HKS
5. *VirnetX, Inc. and Leidos v. Apple, Inc.* (United States District Court, Eastern District of Texas)  
Case No. 6:12-CV-00855-RWS
6. *Lauren Hall v. Welch Foods, Inc. and The Promotion In Motion Companies* (United States District Court, Eastern District of New York)  
Case No. 1:17-CV-05828-MKB-VMS
7. *Luci Bags LLC v. Younique LLC* (United States District Court, Eastern District of Texas)  
Case No. 4:17-CV-377
8. *The Kroger Co. v. Lidl* (United States District Court, Eastern District of Virginia)  
Case No. 3:17-CV-00480-JAG
9. *Pom Wonderful LLC v. The Coca-Cola Company* (United States District Court, Central District of California)  
Case No. 2:08-CV-06237-SJO-FMO
10. *VirnetX, Inc. and Science Applications Int'l Corp. v. Apple, Inc.* (United States District Court, Eastern District of Texas)  
Case No. 6:13-CV-00855
11. *Denis George Mahan P/K/A Deney Terrio v. Hasbro, Inc. and Hasbro Studios, LLC.* (United States District Court, Middle District of Florida)  
Case No. 6:15-CV-00188-RBD-GJK
12. *Twentieth Century Fox Television and Fox Broadcasting Co. v. Empire Distribution, Inc.* (United States District Court, Central District of California)  
Case No. 2:15-CV-02158-PA-FFM

13. *Linx Bracelets, Inc. v. Origami Owl, LLC* (United States District Court, Central District of California)  
Case No. 2:14-CV-06799-SVW (JEM)
14. *In the Matter of Certain Footwear Products* (United States International Trade Commission)  
Investigation No. 337-TA-936
15. *Pinterest, Inc. v. Pintrips, Inc.* (United States District Court, Northern District of California)  
Case No. 13-4608 (HSG)

## **Appendix B**

### **E. Deborah Jay, Ph.D. Resume and Publications and Presentations Since 2009**

- *Resume*
- *Publications and Presentations Since 2009*

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## E. Deborah Jay, Ph.D.

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### Current Position

Principal/Founder, Jay Survey Strategies LLC  
2000 Broadway St., Suite 143  
Redwood City, CA 94063  
(415) 533-0020  
deborahjay@jaysurveystrategies.com

Jay Survey Strategies is a research agency primarily involved in conceptualizing, planning, executing, and reporting on custom-designed opinion studies.

### Technical Skills

Expert in research design and all phases of survey methodology – questionnaire design, sampling, data collection, data processing, qualitative and quantitative data analysis, with more than 40 years' experience conducting large-scale surveys of all types.

### Research Experience

#### *Branding, marketing and advertising research:*

Responsible for branding, marketing, and advertising research relating to services and products in a variety of industries (*e.g.*, health, education, technology, communications, finance, transportation, and wholesale/retail trade).

#### *Public policy studies:*

Responsible for policy analyses and evaluations concerning medical assistance programs (*e.g.*, Medicaid, Medicare, and county health services), public health campaigns (*e.g.*, concerning tobacco use, diet and nutrition), educational programs (*e.g.*, for disadvantaged students and students with disabilities), general assistance programs, and other public issues (*e.g.*, child care, access to telephone service, the environment).

#### *Litigation support:*

Court-qualified expert in survey methodology; responsible for conducting and evaluating surveys for legal cases involving a variety of issues (*e.g.*, trademark, copyright and patent infringement, false advertising, right of publicity/false endorsement, defamation, exempt/nonexempt employment classification, off-the-clock work and other wage and hour issues, employment discrimination, product liability, business conduct, natural resources valuation, change of venue) and providing expert testimony in proceedings before state and federal courts and other tribunals such as the International Trade Commission and the U.S. Patent and Trademark Office.

## Professional Experience Before Founding Jay Survey Strategies

President and CEO, Field Research Corporation, San Francisco, CA.

Program Director and Senior Research Social Scientist, SRI International (formerly Stanford Research Institute), Menlo Park, CA.

Manager, Management Consulting Division, KPMG Peat Marwick, San Francisco, CA.

Public Policy Analyst/Survey Specialist, Teknekron, Berkeley, CA.

Research Associate, Survey Research Center, University of California, Berkeley, CA.

## Education

Ph.D. in political science, University of California at Berkeley (1981).

M.A. in political science, University of California at Berkeley (1973).

B.A. in psychology/political science, University of California at Los Angeles (1972, *magna cum laude*, Phi Beta Kappa).

## Professional Associations

*Council of American Survey Research Organizations (CASRO):*

Board of Directors (1995-2001); Chair (1999); Chair-Elect (1998); Secretary (1997); Chair, Committee on Survey Research Quality (1997-1998); Chair, Committee on Standards and Ethics (1995-1996).

*American Association for Public Opinion Research (AAPOR):*

Editorial Board, Survey Practice (2007-2017); Advisory Council, Public Opinion Quarterly (2008-2012); Executive Council (2001-2003); Standards Chair (2002-2003); Associate Standards Chair (2001-2002); Standards Committee Member (1992); Past President, Pacific Chapter (1989); Appointed to numerous ad hoc committees (e.g., 2009 Standards Review Committee, 2010 Survey-Based Legal Evidence Committee).

*International Trademark Association (INTA):*

Editorial Board, Trademark Reporter (2012-present); Brand Names Education Committee (2004).

## Other Directorships

Board of Directors, Roper Center for Public Opinion Research (housed at the University of Connecticut) (1997-2003); Member, Committee on Data Acquisitions & Standards (2001-2003).

Board of Directors, Bay Area Council (1991-2009).

Board of Directors, Bay Area Economic Forum (1996-2001).

San Francisco Municipal Fiscal Advisory Committee to the Mayor (Committee Member, 1991-2001; Executive Committee Member, 1998-2001).

## Teaching Experience

Lecturer, New York City Bar Association, Trademarks and Unfair Competition Committee (New York, June 2015).

Faculty member, 2015 Trademark Office Comes to California, Continuing Legal Education Seminars sponsored by The State Bar of California Intellectual Property Law Section (Los Angeles and San Francisco, 2015).

Faculty member, IP BYTES: Hot Topics in Trademark Law, Continuing Legal Education Seminar sponsored by the Intellectual Property Section of the Bar Association of San Francisco (2014).

Lecturer, American Intellectual Property Law Association, Annual Conference (Washington DC, 2012).

Faculty member, Current Trends in Wage & Hour Litigation: Economic, Legal and Statistical Issues, Continuing Legal Education Seminar sponsored by ERS Group (San Francisco, 2006 and 2009; New York, 2007; Santa Monica, 2006, 2007, 2009, 2011 and 2012).

Lecturer, New York City Bar Association, Trademark and Copyright Committee (New York, 2011).

Faculty member, 2010 IP Damages Institute sponsored by the CalCPA Education Foundation (Los Angeles, 2010).

Faculty member, The State Bar of California 35<sup>th</sup> Annual Intellectual Property Institute (Napa, 2010).

Faculty member, Florida Bar Intellectual Property Law Symposium (Tampa, 2010).

Lecturer, Marketing Research Council (New York, 2010).

Lecturer, Surveys in Trademark Prosecution and Litigation, Continuing Legal Education Seminar and Roundtable hosted by Graham and Dunn for the International Trademark Association (Seattle, 2009).

Guest lecturer, American Studies Program, University of California at Berkeley (1999 and 2008).

Lecturer, San Francisco Intellectual Property Law Association. (San Francisco, 2006).

Faculty member, Advertising and Marketing Law, Continuing Legal Education Seminar sponsored by Insight Information (Chicago, 2006).

Faculty member, 2005 Advertising and Trademark Seminar, sponsored by Kirkland and Ellis LLP (Chicago, 2005).

Faculty member, Trademark Portfolio Acquisition and Protection, Continuing Legal Education Seminar sponsored by Law Seminars International (San Diego, 2004).

Faculty member, Trademark Dilution & Damages, Intellectual Property Section, The Barristers Club of San Francisco (2003).

Guest lecturer, Intellectual Property Seminar, Boalt Law School, University of California at Berkeley (1999-2003).

Faculty member, Basics of Trademark Litigation, Continuing Legal Education Seminar sponsored by the International Trademark Association (Washington DC, 2001).

Guest lecturer at the graduate and undergraduate levels, Marketing Research Seminars, Haas School of Business, University of California at Berkeley (1995-2000).

Faculty member, Forensics Research Conference, Council of American Survey Research Organizations (New York, 2000).

Faculty member, Employment Discrimination: Statistical Evidence and Economic Exposure, Continuing Legal Education Seminar sponsored by ERS Group (Atlanta, Chicago, San Francisco, 1996-2000).

Faculty member, Advertising Law for the Next Century in California, Continuing Legal Education Seminar sponsored by Lorman Education Services (San Francisco, 1999).

Guest lecturer, Institute for Governmental Studies, University of California at Berkeley (1999).

Faculty member, National Advertising Division of the Council of Better Business Bureaus, Workshop IX (San Francisco, 1998).

Lecturer on public opinion research, Political Science Department, University of California at Davis (1978).



**E. Deborah Jay, Ph.D.**  
**Publications and Presentations Since 2009**  
**(Author or Co-author)**

- "Trademark Survey Evidence: Getting Through the Gate." Presentation at the 2018 Perkins Coie Intellectual Property Group Retreat (Denver, October 2018).
- "Targeting Trademark Surveys." Presentation to the New York City Bar Association Trademarks and Unfair Competition Committee (New York, June 2015).
- "Mark My Words: Contemporary Trademark Surveys." Presentation for the 2015 Trademark Office Comes to California, Continuing Legal Education Seminars sponsored by The State Bar of California Intellectual Property Law Section (Los Angeles and San Francisco, April 2015).
- "He Who Steals My Good Name: Likelihood-of-Confusion Surveys in TTAB Proceedings." 104 Trademark Reporter 1141 (2014).
- "Millennium Falconry: Navigating the Hyperspace of 21st Century Trademark Surveys." Presentation for the IP BYTES: Hot Topics in Trademark Law seminar sponsored by the Intellectual Property Section of the Bar Association of San Francisco (July 2014).
- "Ten Truths of False Advertising Surveys." 103 Trademark Reporter 1116 (2013).
- "Polling Consumers: Surveys in Advertising Cases." Presentation at the 2012 American Intellectual Property Law (AIPLA) Annual Conference. (Washington DC, October 2012).
- "Genericness Surveys in Trademark Disputes: Under the Gavel." In Trademark and Deceptive Advertising Surveys: Law, Science, and Design, edited by Shari Seidman Diamond and Jerre B. Swann (Chicago, IL: American Bar Association, 2012).
- "He Who Steals My Good Name: The Use of Survey Evidence in Intellectual Property Cases." Presentation at the New York City Bar Association Trademark and Copyright Committee (New York, December 2011).
- "Using Surveys to Assess Damages in Intellectual Property Disputes." Presentation at the 2010 IP Damages Institute sponsored by the CalCPA Education Foundation (Los Angeles, November 2010).
- "Wine, Women & Song: The Use of Survey Evidence in the Gallo, Princess Diana and Napster Cases." Presentation at The State Bar of California 35<sup>th</sup> Annual Intellectual Property Institute (Napa, October 2010).
- "Asked and Answered: Surveys in Trademark and Other Intellectual Property Disputes." Presentation at the Florida Bar Intellectual Property Law Symposium (Tampa, March 2010).

"Surveys as Scientific Evidence: Anatomy of a Survey in Court." Presentation for the Marketing Research Council (New York, March 2010).

"Genericness Surveys in Trademark Disputes: Evolution of Species." 99 Trademark Reporter. 1118 (2009).

"Survey Evidence in Trademark and Other Intellectual Property Disputes." Presentation for a seminar and roundtable hosted by Graham and Dunn for the International Trademark Association (Seattle, January 2009).

## **Appendix C**

### **Materials Considered**

## Materials Considered

I was provided with the complaint filed on September 4, 2018 in connection with *Monster Energy Company v. Vital Pharmaceuticals, Inc.* (C.D. Cal., Case No. 5:18-cv-1882). I also looked at the BANG energy drink online and in retail stores. The other materials that I considered are described in my report and/or included as appendices to my report.

## **Appendix D**

### **Stimuli and Questionnaire (Sample Web Screenshots)**

**TEST PHOTO A1**



TEST PHOTO A2





TEST PHOTO A3



**CONTROL PHOTO B1**

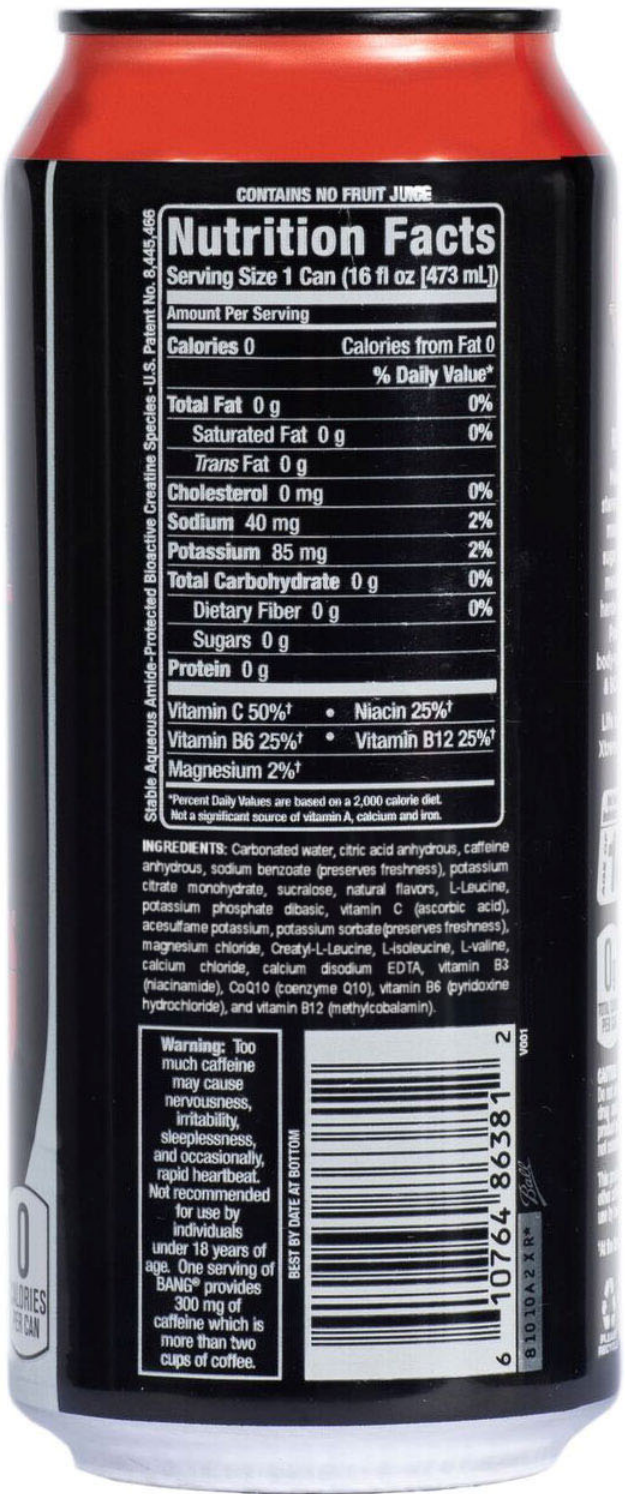


CONTROL PHOTO B2





CONTROL PHOTO B3



## ***INTRODUCTION / QUESTION S1***



### **WELCOME**

We are conducting a short opinion survey for Jay Survey Strategics, an independent research firm in California.

What type of device are you using to complete this questionnaire?

- ☐ A cell phone or smart phone
- ☐ A tablet
- ☐ A laptop or desktop computer
- ☐ Decline to answer



**QUESTION S2A**  
**(IF USING A CELL PHONE OR SMART PHONE)**

**YouGov**

We would like you to complete this survey on a tablet, laptop, or desktop computer. Do you have access to a tablet, laptop, or desktop computer?

☐ Yes

☐ No

>

**QUESTION S2B**  
**(IF YES)**

**YouGov**

Please exit this window and log on to your tablet, laptop, or desktop computer. You can return to this survey on your other device by clicking the link in the email invitation you received for this survey.

>

**QUESTION 33**  
**(IF USING A TABLET, LAPTOP OR DESKTOP COMPUTER)**

**YouGov**

---

Do you agree to answer all survey questions on your own, without asking anybody else for help or referring to reference materials or the Internet?

☐ Yes, I agree

☐ No, I do not agree

>

**QUESTION S4**  
**(IF S3 = YES, I AGREE)**

**YouGov**

What is your gender?

☐ Male

☐ Female

>



**QUESTION S5**  
**(IF S4 MATCHES GENDER IN DATABASE)**

**YouGov**

---

What is your age?

Please type your answer here.


>

**QUESTION S6\***  
**(IF S5 = AGE 18+ AND AGE MATCHES DATABASE)**

**YouGov**

---

What order are these colors in? (Note, the image may take a few seconds to load.)



☐ Red, yellow, green, blue

☐ Yellow, green, blue, red

☐ Blue, red, green, yellow

☐ Green, blue, red, yellow

☐ Blue, yellow, green, red

☐ Green, red, blue, yellow

☐ None of the above

☐ Don't know

\* The order of the first six answer categories was randomized across respondents.

**QUESTION A1\***  
**(IF S6 = GREEN, RED, BLUE, YELLOW)**

**YouGov**

---

In the past 3 months, which of the following beverages, if any, did you buy?  
(SELECT ALL ANSWERS THAT APPLY)

- ☐ A regular or diet soda
- ☐ An energy drink
- ☐ Fruit juice
- ☐ Low-fat or nonfat milk
- ☐ Bottled water (either flavored or unflavored)
- ☐ A bottled tea or coffee drink
- ☐ None of the above
- ☐ Don't know

>

\* The order of the first six answer categories was randomized across respondents.

**QUESTION A2\***

**YouGov**

---

In the next 3 months, which of the following beverages, if any, are you likely to buy?  
(SELECT ALL ANSWERS THAT APPLY)

- ☐ A regular or diet soda
- ☐ An energy drink
- ☐ Fruit juice
- ☐ Low-fat or nonfat milk
- ☐ Bottled water (either flavored or unflavored)
- ☐ A bottled tea or coffee drink
- ☐ None of the above
- ☐ Don't know

>

\* The order of the first six answer categories was randomized across respondents.

**QUESTION A3\***  
**(IF A2 = AN ENERGY DRINK)**

**YouGov**

---

Do you or does anyone in your household work for any of the following types of organizations or companies?  
(SELECT ALL ANSWERS THAT APPLY)

- ☐ A government agency
- ☐ An advertising agency or marketing research firm
- ☐ A beverage company
- ☐ None of the above
- ☐ Don't know

>

---

\* The order of the first three answer categories was randomized across respondents.

**INSTRUCTION B1**  
**(IF A3 ≠ A BEVERAGE COMPANY OR AN ADVERTISING AGENCY**  
**OR MARKETING RESEARCH FIRM)**

**YouGov**

---

If you usually wear contact lenses or eyeglasses when you use a tablet, laptop or desktop computer and are not currently wearing them, please put them on now.



**INSTRUCTION B2**

**YouGov**

---

Now, we would like you to look at three photos of a product. Please look at these photos as if you were considering whether to buy this product.

Note, it may take a few seconds for each photo to load fully. You may use your keyboard or mouse to enlarge the photos. After you have looked at a photo, press the forward arrow at the bottom of the page to continue.



**PHOTOGRAPH B3A  
(TEST A1)**



PHOTOGRAPH B3B  
(TEST A2)





PHOTOGRAPH B3C  
(TEST A3)



**PHOTOGRAPH B3A  
(CONTROL B1)**



PHOTOGRAPH B3B  
(CONTROL B2)



PHOTOGRAPH B3C  
(CONTROL B3)



**QUESTION B4**

**YouGov**

---

Were you able to see the photos?

☐ Yes

☐ No

>

***INSTRUCTION B5***  
***(IF B4 = YES)***

**YouGov**

---

Our next questions are about the product you just looked at. We would like to assure you that we are only interested in your opinions and beliefs. If you do not know the answer to a question or do not have an opinion or belief, please indicate this.



**QUESTION C1**

**YouGov**

---

What, if anything, does this package mainly communicate to you about this product?

(PLEASE TYPE YOUR ANSWER IN THE BOX)

☐ Don't know

[To see the first photo again, click here](#)

[To see the second photo again, click here](#)

[To see the third photo again, click here](#)



**QUESTION C2\***

**ROTATION A**

**YouGov**

---

Do you think consuming this product...?

☐ Will boost your energy

☐ Will not boost your energy

☐ Don't know

[To see the first photo again, click here](#)

[To see the second photo again, click here](#)

[To see the third photo again, click here](#)

>

\* The order of the first two answer categories was rotated across respondents.



**QUESTION C2\***

**ROTATION B**

**YouGov**

---

Do you think consuming this product...?

☐ Will not boost your energy

☐ Will boost your energy

☐ Don't know

[To see the first photo again, click here](#)

[To see the second photo again, click here](#)

[To see the third photo again, click here](#)

>

---

\* The order of the first two answer categories was rotated across respondents.

**QUESTION C3\***  
**(IF C2 = WILL BOOST YOUR ENERGY)**  
**ROTATION A**

**YouGov**

---

Do you think the package...?

☐ Does **communicate** what ingredients in this product will boost your energy

☐ Does **not** communicate what ingredients in this product will boost your energy

☐ Don't know

[To see the first photo again, click here](#)

[To see the second photo again, click here](#)

[To see the third photo again, click here](#)

>

\* The order of the first two answer categories was rotated across respondents.

**QUESTION C3\***  
**(IF C2 = WILL BOOST YOUR ENERGY)**  
**ROTATION B**

**YouGov**

---

Do you think the package...?

☐ Does not communicate what ingredients in this product will boost your energy

☐ Does communicate what ingredients in this product will boost your energy

☐ Don't know

[To see the first photo again, click here](#)

[To see the second photo again, click here](#)

[To see the third photo again, click here](#)

>

\* The order of the first two answer categories was rotated across respondents.

**QUESTION C4**  
**(IF C3 = DOES COMMUNICATE THE INGREDIENTS**  
**THAT WILL BOOST YOUR ENERGY)**

**YouGov**

---

What ingredient or ingredients in this product do you think will boost your energy?

(PLEASE TYPE YOUR ANSWER IN THE BOX)

☐ Don't know


[To see the first photo again, click here](#)

[To see the second photo again, click here](#)

[To see the third photo again, click here](#)




***CLOSING***



---

Thank you for your help with this survey.



## **Appendix E**

### **Jay Survey Methods**

## Jay Survey Methods

The Jay Survey was conducted with a nationwide representative sample of adults age 18 and older who were prospective buyers of energy drinks. The purpose of the Jay Survey was to determine whether prospective buyers of energy drinks are likely to mistakenly believe that BANG's energy drink provides an energy boost from creatine due to the language on the can for BANG's energy drink.

### A. Sampling Frame and Questionnaire

Under my design, direction and supervision, YouGov, a full-service marketing research firm, selected the sample and collected the data for the Jay Survey using its online panel, which consists of approximately 2 million persons who are representative of all adults age 18 and older in the United States.<sup>1</sup> Each adult who was randomly selected from the YouGov panel and invited to participate in the Jay Survey was provided with a unique link to the survey, so that no person could participate in the survey more than once.<sup>2</sup>

#### Survey Introduction and Eligibility Questions

Jay Survey Strategies developed a questionnaire for the survey to be completed online by a nationwide representative sample of adults age 18 and older randomly selected from YouGov's online panel.<sup>3</sup> The Jay Survey was introduced in the following manner:

We are conducting a short opinion survey for Jay Survey Strategies, an independent research firm in California.

The survey then asked respondents what type of device they were using to complete the questionnaire:

- 
- 1 Background information on YouGov's online panel is in Appendix F.
  - 2 The IP address and other information in YouGov's panel database also were checked to ensure that the sample did not include duplicate respondents.
  - 3 Sample screenshots showing how the questionnaire appeared on the computer are in Appendix D.

(S1) What type of device are you using to complete this questionnaire?

A cell phone or smart phone  
A tablet  
A laptop or desktop computer  
Decline to answer

Survey respondents who were using a tablet, laptop, or desktop computer to complete the questionnaire were eligible to continue.<sup>4</sup> These survey respondents were asked the following question:

(S3) Do you agree to answer all survey questions on your own, without asking anybody else for help or referring to reference materials or the Internet?

Only those respondents who agreed to complete the survey on their own (without help from anyone else or referring to reference materials or the Internet) were eligible to participate in the Jay Survey. The Jay Survey then asked survey respondents for their gender and age:

(S4) What is your gender?

Male  
Female

(S5) What is your age?

To be eligible for the Jay Survey, a respondent had to be age 18 or older. For validation purposes, the demographic information (the gender and age) that respondents provided in the survey was compared with the demographic information in YouGov's panel database. Only those survey respondents whose gender and age were consistent with the information in the YouGov panel database were eligible to participate in the Jay Survey.<sup>5</sup> In other words, the demographic information was validated for 100% of the individuals included in the Jay Survey.

---

4 Survey respondents who said that they were using a cell phone or smartphone to complete the questionnaire were asked the following question: (S2a) "We would like you to complete this survey on a tablet, laptop or desktop computer. Do you have access to a tablet, laptop, or desktop computer?"

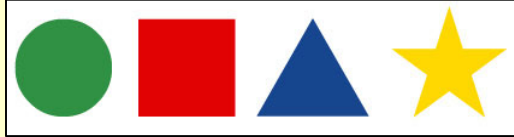
Survey respondents who answered this question in the affirmative were instructed, as follows: (S2b) "Please exit this window and log on to your tablet, laptop, or desktop computer. You can return to this survey on your other device by clicking the link in the email invitation you received for this survey."

5 The age an adult provided in the survey was considered to be consistent if it was within two years of the age derived from the birthdate the adult provided when he/she joined the YouGov online panel.



Survey respondents who provided valid demographic information were asked the following question:<sup>6</sup>

(S6) What order are these colors in?# (Note, the image may take a few seconds to load.)



Blue, yellow, green, red  
Green, red, blue, yellow  
Blue, red, green, yellow  
Red, yellow, green, blue  
Yellow, green, blue, red  
Green, blue, red, yellow  
None of the above  
Don't know

This question was included in the survey to ensure that respondents were paying attention. Survey respondents who correctly indicated that the colors were "green, red, blue, yellow" were eligible to continue.

Survey respondents were asked the following questions to determine whether they were consumers of energy drinks:

(A1) In the past 3 months, which of the following beverages, if any, did you buy?#

A regular or diet soda  
An energy drink  
Fruit juice  
Low-fat or nonfat milk  
Bottled water (either flavored or unflavored)  
A bottled tea or coffee drink  
None of the above  
Don't know

---

<sup>6</sup> A cross-hatch symbol (#) indicates that the order of the response categories for a question was randomized across survey respondents. For example, for this question, "Blue, yellow, green, red" was the first response category for approximately 17% of the survey respondents, the second response category for approximately 17% of the survey respondents, the third response category for approximately 17% of the survey respondents and so on.

(A2) In the next 3 months, which of the following beverages, if any, are you likely to buy?#

A regular or diet soda  
An energy drink  
Fruit juice  
Low-fat or nonfat milk  
Bottled water (either flavored or unflavored)  
A bottled tea or coffee drink  
None of the above  
Don't know

To qualify for the Jay Survey, respondents had to indicate that they were likely to buy an energy drink in the next 3 months.<sup>7</sup> Survey respondents who were a prospective buyer of an energy drink were asked the following question:

(A3) Do you or does anyone in your household work for any of the following types of organizations or companies...?#

A government agency  
An advertising agency or marketing research firm  
A beverage company  
None of the above  
Don't know

Survey respondents were not eligible to participate in the Jay Survey if they said that someone in their household worked for a beverage company, or for an advertising agency or marketing research firm. This is because these respondents might have special knowledge about the subject of the survey – namely, what the packaging for energy drinks communicates to relevant consumers.

In all, 6,540 randomly-selected adults age 18 and older were screened for eligibility and, of these, 628 (10%) qualified for the Jay Survey (*i.e.*, they were a prospective buyer of an energy drink, and they did not work for a beverage company, or for an advertising agency or marketing

---

<sup>7</sup> Although it was not one of the eligibility criteria, most qualifying survey respondents (86%) also had bought an energy drink in the past 3 months.

research firm).<sup>8</sup> Approximately half of the 628 qualified survey respondents was randomly assigned to the Test Group (314 survey respondents), and the other half was randomly assigned to the Control Group (314 survey respondents). Survey respondents in the Test Group and the Control Group were told the following:

(B1) If you usually wear contact lenses or eyeglasses when you use a tablet, laptop or desktop computer and are not currently wearing them, please put them on now.

(B2) Now, we would like you to look at three photos of a product. Please look at these photos as if you were considering whether to buy this product.  
Note, it may take a few seconds for each photo to load fully. You may use your keyboard or mouse to enlarge the photos. After you have looked at a photo, press the forward arrow at the bottom of the page to continue.

Then, each group of survey respondents was shown three photos of a different can for BANG's peach mango energy drink.

### Test Group Stimuli

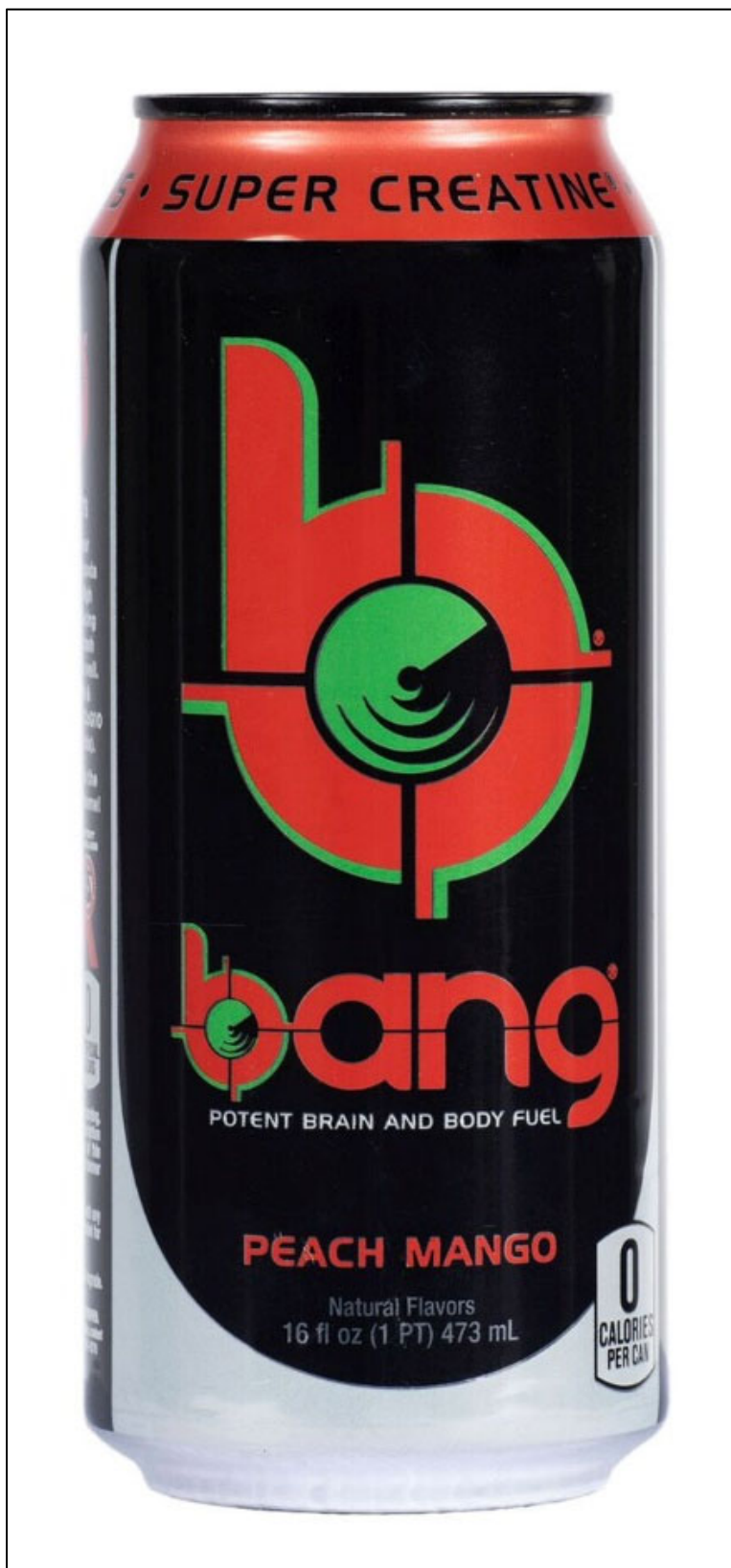
Test Group respondents were shown three photos of the actual can for BANG's peach mango energy drink. The ingredients "SUPER CREATINE<sup>®</sup>," "BCAA AMINOS," and "ULTRA COQ10" are prominently displayed at the top of the can for BANG's peach mango energy drink. The following statement appears on the side of the can: "Power up with BANG's potent brain & body-rocking fuel: Creatine, Caffeine, CoQ10 & BCAAs (Branched Chain Amino Acids)." The phrase "SUPER CREATINE<sup>®</sup> (Creatyl-L-Leucine [Creatine bonded to L-Leucine])" also is included in the list of ingredients on the can. Following are the three photos of the actual can for BANG's peach mango energy drink that were shown to Test Group respondents.<sup>9</sup>

---

8 The email invitation sent to randomly-selected persons is included at the end of this appendix. Of the 6,540 persons who responded to the email invitation, 5,912 did not qualify for the Jay Survey for the following reasons: a) they did not have access to a tablet, laptop or desktop computer (1,965 adults); b) they did not agree to complete the survey on their own (39 adults); c) they were not age 18 or older or their age or gender did not match the information in the panel database (251 adults); d) they did not accurately identify the order of the colors they were shown (58 adults); e) they did not indicate that they were likely to buy an energy drink in the next 3 months (3,557 adults); f) they or a member of their household worked for a beverage company, or for an advertising agency or marketing research firm (41 adults); or g) they were unable to see the photos of the package (1 adult).

9 Test Group respondents could use their keyboard or mouse to enlarge the photos.

**TEST PHOTO 1**



TEST PHOTO 2





TEST PHOTO 3



### Control Group Stimuli

Control Group respondents were shown three photos of a modified can for BANG's peach mango energy drink. I understand that BANG's peach mango energy drink does not contain creatine, and it is not a significant source of BCAA aminos or ultra CoQ10 either. For this reason, the ingredients "SUPER CREATINE<sup>®</sup>," "BCAA AMINOS" and "ULTRA COQ10" were redacted from the top of the control can.

I also understand that caffeine is the source of BANG's "brain and body rocking fuel" (not creatine, CoQ10 or BCAAs), and that although BANG does not contain creatine, it does contain Creatyl-L-Leucine. Therefore, the statement "Power up with BANG's potent brain & body-rocking fuel: Creatine, Caffeine, CoQ10 & BCAAs (Branched Chain Amino Acids)" on the side of the control can was replaced with what I understand to be a correct statement. The corrected statement was worded in the following manner: "Power up with BANG's potent brain & body-rocking fuel: Caffeine. Also contains Creatyl-L-Leucine, CoQ10 & BCAAs (Branched Chain Amino Acids)." Because I understand that BANG does not contain creatine (but does contain Creatyl-L-Leucine), the phrase "SUPER CREATINE<sup>®</sup> (Creatyl-L-Leucine [Creatine bonded to L-Leucine])" was replaced with the word "Creatyl-L-Leucine" in the list of ingredients on the can.

Following are the three photos of the modified can for BANG's peach mango energy drink that were shown to Control Group respondents.<sup>10</sup>

---

10 Control Group respondents could use their keyboard or mouse to enlarge the photos.

**CONTROL PHOTO 1**





CONTROL PHOTO 2



CONTROL PHOTO 3



Control Group respondents were shown the modified can for BANG's peach mango energy drink to determine whether confusion in the Test Group regarding the source of BANG's energy boost, if any, was due to the language on the actual can regarding the ingredients in BANG or whether it was due to other reasons (such as, guessing and other sources of "noise.").

After survey respondents were shown the photos of the actual or modified can for BANG's peach mango energy drink, they were asked the following question:

(B4) Were you able to see the photos?

Only those survey respondents who confirmed that they were able to see the photos were eligible to participate in the Jay Survey.

#### Questions for Qualified Respondents

Qualified survey respondents were told the following:

(B5) Our next questions are about the product you just looked at. We would like to assure you that we are only interested in your opinions and beliefs. If you do not know the answer to a question or do not have an opinion or belief, please indicate this.

Then, survey respondents were asked a general, open-ended question about the main messages or ideas conveyed by the package, sometimes called a "communication" question:<sup>11</sup>

(C1) What, if anything, does this package mainly communicate to you about this product?

Next, survey respondents were asked a directed question or "comprehension" question to determine whether they understood the product in the photos to be an energy drink:

(C2) Do you think consuming this product...?#

Will boost your energy  
Will not boost your energy  
Don't know

The order of the first two response categories for this question was randomized across survey respondents. Survey respondents who said that consuming the product will boost their

---

<sup>11</sup> Survey respondents could refer back to the photos of the can they were shown when answering the survey questions.

energy were asked a "filter question" to determine whether they thought the package communicated what ingredients in the product will boost their energy:

(C3) Do you think the package...?#

Does communicate what ingredients in this product will boost your energy

Does not communicate what ingredients in this product will boost your energy

Don't know

The order of the first two response categories for this question also was randomized across survey respondents. Survey respondents who said the package does communicate what ingredients in the product will boost their energy were asked one additional open-ended question concerning the ingredients in the product:

(C4) What ingredient or ingredients in this product do you think will boost your energy?

## **B. Survey Administration**

The Jay Survey was conducted between February 19, 2019 and March 8, 2019, and it was administered in a double-blind manner (neither the persons administering the survey, nor the survey respondents, were told the name of the sponsor of the survey, that the survey was intended to measure whether the information regarding the ingredients on the package for BANG's energy drink was misleading, or that the survey was being conducted in connection with litigation).

The Jay Survey was performed according to accepted survey standards and in conformity with the guidelines discussed in the *Federal Manual for Complex Litigation*, 4th Ed. §11.493 (2004) and the *Reference Guide on Survey Research*, *Federal Reference Manual on Scientific Evidence*, 3rd Ed. (2011). The population for the Jay Survey was properly defined as adults age 18 and older who were prospective buyers of energy drinks. The questions asked in the Jay Survey were clear and not leading. The data gathered for the Jay Survey were accurately reported, and the data were analyzed in accordance with accepted statistical principles. The Jay Survey was conducted, under my direction, by survey research professionals following proper survey procedures, and the entire process was conducted so as to ensure objectivity.

## C. Characteristics of Adults Who Were Screened for Eligibility

As shown in Table E-1, the demographic characteristics of the 6,540 adults screened for eligibility are similar to those of all persons who are age 18 and older in the U.S.

Table E-1 Demographic Characteristics for All U.S. Persons Age 18+ and for Adults Screened for Eligibility for the Jay Survey*		
	U.S. Persons Age 18+	Adults Screened for Eligibility
		(n = 6,540)
<b>Region</b>		
Northeast	18%	18%
Midwest	21	21
South	38	38
West	23	23
<b>Gender</b>		
Male	49%	49%
Female	51	51
<b>Age</b>		
18 to 29	21%	19%
30 to 44	25	26
45 to 64	34	33
65+	20	22
<b>Race</b>		
White	64%	67%
Black	12	12
Hispanic	16	13
Other/Multiple	8	8
<b>Education</b>		
High school or less	40%	40%
Some college (includes 2-year degree)	31	31
4-year college graduate	18	18
Post-graduate	11	11

\* Based on American Community Survey data collected by the U.S. Census Bureau and demographic information in the YouGov panel database.

## D. Characteristics of Adults Who Qualified for the Jay Survey

As shown in Table E-2, the 628 adults who qualified for the Jay Survey included a larger percentage of men and adults age 18 to 44, relative to all adults who are age 18 and older in the

U.S. This is because men and adults age 18 to 44 were more apt to be prospective buyers of energy drinks than were women and adults age 45 and older.

<b>Table E-2</b> <b>Demographic Characteristics for All U.S. Persons Age 18+ and for Adults Who Qualified for the Jay Survey*</b>		
	<b>U.S. Adults Age 18+</b>	<b>Jay Survey Respondents</b>
		<i>(n = 628)</i>
<b>Region</b>		
Northeast	18%	18%
Midwest	21	21
South	38	36
West	23	25
<b>Gender</b>		
Male	49%	59%
Female	51	41
<b>Age</b>		
18 to 29	21%	24%
30 to 44	25	36
45 to 64	34	28
65+	20	12
<b>Race</b>		
White	64%	70%
Black	12	8
Hispanic	16	12
Other/Multiple	8	10
<b>Education</b>		
High school or less	40%	33%
Some college (includes 2-year degree)	31	32
4-year college graduate	18	23
Post-graduate	11	12

\* Based on American Community Survey data collected by the U.S. Census Bureau and demographic information in the YouGov panel database.

## **E. Characteristics of Test Group and Control Group Respondents**

As shown in Table E-3, the demographic characteristics of the Test Group and Control Group respondents are similar.

<b>Table E-3</b>		
<b>Demographic Characteristics for Jay Survey Respondents in the Test Group and the Control Group*</b>		
	<b>Test Group (Actual Can)</b>	<b>Control Group (Modified Can)</b>
	<i>(n = 314)</i>	<i>(n = 314)</i>
<b>Region</b>		
Northeast	18%	18%
Midwest	24	19
South	34	38
West	24	25
<b>Purchases of Energy Drinks</b>		
Prospective buyer	100%	100%
Past buyer	86	86
<b>Gender</b>		
Male	58%	61%
Female	42	39
<b>Age</b>		
18 to 29	21%	26%
30 to 44	40	33
45 to 64	28	29
65+	11	12
<b>Race</b>		
White	73%	68%
Black	7	8
Hispanic	10	14
Other/Multiple	10	10
<b>Education</b>		
High school or less	33%	33%
Some college (includes 2-year degree)	34	31
4-year college graduate	21	24
Post-graduate	12	12

\* Based on demographic information in the YouGov panel database.

Based on the overall design and execution of the Jay Survey, the survey provides representative and reliable information regarding adults age 18 and older who are prospective buyers of energy drinks.



## Email Invitation

Can't read this email? [Click here to view a desktop version.](#)

**YouGov**<sup>®</sup> What the world thinks

Hi InvitationName,

You have been selected to share your opinions in a new YouGov survey.

We know your time is valuable. As a way of showing our thanks, you'll be awarded points when you complete every survey we email you. The longer the survey, the more points you earn.

**Start Now**

If you cannot view or click on the button above, please copy and paste this address into your browser:

**[SurveyLink](#)**

Thank you for being an active member of the YouGov community!

Kelly Connor  
YouGov



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## **Appendix F**

### **Background Information on the YouGov Online Panel**

- *YouGov Survey Procedures*
- *YouGov Answers to ESOMAR Questions*



## **Survey Procedures:**

### Information Related to the Treatment of Human Subjects

**Updated on January 30, 2012**

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## **YOUgov PANEL RECRUITMENT**

The YouGov panel, a proprietary opt-in survey panel, is comprised of 1.2 million U.S. residents who have agreed to participate in YouGov's Web surveys. At any given time, YouGov maintains a minimum of five recruitment campaigns based on salient current events.

Panel members are recruited by a number of methods to help ensure diversity in the panel population. Recruiting methods include Web advertising campaigns (public surveys), permission-based email campaigns, partner sponsored solicitations, telephone-to-Web recruitment (RDD based sampling, and mail-to-Web recruitment (voter registration based sampling).

The primary method of recruitment for the YouGov panel is Web advertising campaigns that target respondents based on their keyword searches. In practice, a search in Google may prompt an active YouGov advertisement inviting their opinion on the search topic. At the conclusion of the short survey respondents are invited to join the YouGov panel in order to directly receive and participate in additional surveys. After a double opt-in procedure, where respondents must confirm their consent again by responding to an email, the database checks to ensure the newly recruited panelist is in fact new and that the address information provided is valid.

Additionally, YouGov augments the panel with difficult to recruit respondents by soliciting panelists in telephone and mail surveys. For instance, in the fall and winter of 2006, YouGov completed telephone interviews using RDD sampling and invited respondents to join the online panel. Respondents provided a working email where they could receive an electronic invitation and confirm their consent and interest in receiving and participating in YouGov Web surveys. YouGov also employed registration based sampling, inviting respondents to complete a pre-election survey online. At the conclusion of that survey, respondents were invited to become YouGov members and receive additional survey invitations to their email address. YouGov also conducted telephone-to-Web recruitment in the fall and winter of 2010.

By utilizing different modes of recruitment continuously over time, this ensures that hard-to-reach populations will be adequately represented in survey samples. Participants are not paid to join the YouGov panel, but do receive incentives through a loyalty program to take individual surveys.

## **YG PRIVACY AND CONSENT STATEMENT**

The information below is provided to each respondent when they provide their contact information and indicate they would like to receive survey invitations from YouGov.

### **Consent Statement**

YouGov invites people to complete self-administered surveys via the web using a panel of respondents. Panelists are provided the privacy policy below when they voluntarily sign up and are provided a link to this with each study request. Specifically, each invitation states that their participation is voluntary and confidential.

Our detailed privacy policy is elaborated at <http://today.yougov.com/privacy/>, see below.

### **Privacy Policy**

Effective as of March 1, 2011.

The most recent update to the privacy policy changed our company name from YouGovPolimetrix to YouGov. Some other clarifications of policy were also made.

The YouGov website is operated by YouGov, a non-partisan polling firm headquartered in Palo Alto, California and one of the YouGov companies. YouGov is committed to answering important political and social questions and YouGov is designed to give people a chance to share their opinions about those important topics.

The information our users provide is absolutely confidential. When a user registers for the panel, we ask a few basic questions to verify demographic information (e.g., age, gender, state). We do not sell or disclose this personal information to anyone at any time, except under limited conditions as specifically noted below, though we may report the information in aggregate form (e.g., "65 percent of those aged 55 and older reported a high level of interest in the president's State of the Union address.")

### **About This Privacy Policy**

YouGov respects the privacy of all of its respondents. This Privacy Policy outlines what personally identifiable information is collected, how the information is used, with whom the information may be shared, and the security procedures in place to protect the loss, misuse, or alteration of information under our control. We reserve the right to modify this privacy statement at any time, so please review it frequently. If we make material changes to this policy, we will notify you here.

## **Non-Personal Information We Collect**

To register with YouGov, we require respondents to submit Personally Identifiable Information. Respondents are responsible for ensuring the accuracy of the Personally Identifiable Information they submit to YouGov.

Without registration to the YouGov panel, the only information we may collect is Non-Personal Information through the use of Cookies or Web Beacons.

As is true of most websites, we gather certain information automatically and store it in log files. This information includes internet protocol (IP) addresses, browser type, internet service provider (ISP), referring/exit pages, operating system, date/time stamp, and clickstream data. We use this information, which does not identify individual users, to analyze trends, administer the site, track users' movements around the site and gather demographic information about our user base as a whole.

### **A. Cookies**

The information collected by Cookies allows us to monitor how many people are using our website, how many people open our e-mails, and determine for what purposes these actions are being taken. Cookies are also used to facilitate a user's log-in, as navigation aides, and as session timers, but not to retain Personal Information. Cookies used by YouGov are also used to restrict underage use of the tools. Most browsers offer instructions on how to reset the browser to reject Cookies in the "Help" section of the toolbar. We do not link Non-Personal Information from Cookies to Personally Identifiable Information without permission, and do not use Cookies to collect or store Personal Information.

### **B. Web Beacons**

We also may use Web Beacons to collect Non-Personal Information about the use of our website. The information collected by Web Beacons allows us to monitor how many people are using our website, how many people open our e-mails, and determine for what purposes these actions are being taken. Our Web Beacons are not used to track activity outside of our websites. We do not link Non-Personal Information from Web Beacons to Personally Identifiable Information without permission and do not use Web Beacons to collect or store Personal Information.

## **Personally Identifiable Information We Collect**

### **A. Registration**

We collect Personally Identifiable Information, such as name, mailing address and e-mail address, that our members provide to us when they register as YouGov panelists. We use the Personally Identifiable Information to gather opinions on important topics, answer questions, send e-mails about website maintenance and updates, place panelists in the correct regional and political jurisdictions (e.g. the correct congressional district or voting precinct), and inform panelists of significant changes to this Privacy Policy.

### **B. E-mails You Send to YouGov**

This Privacy Policy does not protect you when you send content, business information, ideas, concepts or inventions to YouGov or YouGov by e-mail. If you want to keep content or business information, ideas, concepts or inventions private or proprietary, do not send them in an e-mail.

### **C. Children**

We are committed to protecting the privacy of children. YouGov is not designed or intended to attract children under the age of 18. We do not collect Personally Identifiable Information from any person we actually know is under the age of 14.

### **D. Surveys – Personally Identifiable Information**

When participating in a survey, we may ask panelists to submit Personally Identifiable Information. This Personally Identifiable Information is used for research purposes, and is not used for sales solicitations. When a survey is sponsored by a third party, Aggregate Information of the survey results is reported to the sponsor. Personally Identifiable Information collected through surveys will be used only by YouGov and its operations contractors, and will not be given or sold to a third party without the panelist's consent. You will never receive email from any third party as a result of using the YouGov site, participating in YouGov research activities or becoming a YouGov panel member, unless you specifically opt to do so.

### **E. Surveys – Responses**

Aside from personally identifiable information, YouGov may, in the course of interacting with panel members, gather other types of information ("Operating Information"). YouGov panelists receive survey invitations periodically (weekly or monthly, for example) depending on their stated preferences. These surveys will ask questions about opinions and attitudes toward current affairs.

### **Disclosure of Information**

Except as set forth in this Privacy Policy or as specifically agreed to by you, YouGov will not disclose any Personally Identifiable or Personal information gathered on our websites. We will only release Personally Identifiable or Personal information to third parties: (1) to comply with valid legal requirements such as a law, regulation, search warrant, subpoena or court order; (2) to reduce fraud or criminal activity; (3) to protect the legal rights of YouGov, our customers, our Websites, or the users of our Websites; (4) to allow a purchaser of a YouGov division, or YouGov as a whole, to continue using your information to serve you or as otherwise permitted by this Privacy Statement; or (5) in special cases, such as a physical threat to you or others. In the event that we are legally compelled to disclose Personally Identifiable or Personal information to a third party, we will attempt to notify you unless doing so would violate the law or court order. In addition, we may disclose Personal Information as described below.

### **A. Aggregate Data**

YouGov may provide Aggregate Information to third parties. For example, we might inform third parties regarding the number of users of our website and the activities they conduct while on our site. We might also inform an interested policy group that "30% of our users live east of the Mississippi" or that "25% of our users have registered to vote online." Depending on the circumstances, we may or may not charge third parties for this Aggregate Information. We require parties with whom we share Aggregate Information to agree that they will not attempt to make this information personally identifiable, such as by combining it with other databases.

## **B. Disclosure to YouGov Operations and Maintenance Contractors**

YouGov operations and maintenance contractors sometimes have limited access to Personally Identifiable Information in the course of providing products or services to YouGov. These contractors include vendors and suppliers that provide us with technology, services, or external data or other content. Access to Personally Identifiable Information by these contractors is limited to the information reasonably necessary for the contractor to perform its limited function for YouGov. We also contractually require that our operations and maintenance contractors 1) protect the privacy of Personally Identifiable Information consistent with this Privacy Policy, and 2) not use or disclose Personally Identifiable Information for any purpose other than providing us with products and services.

## **Data Security and Responsibility**

Your Personal Information, Demographic Information, and Operating Information will generally be stored in our YouGov databases, which are located in the United States. YouGov uses firewalls to protect information held in our servers, and requires all employees to abide by our Privacy Policy and be subject to disciplinary action if they violate it. YouGov also backs up our systems to protect the integrity of the Personally Identifiable and Personal information we collect.

Despite our efforts to protect the Personally Identifiable Information and Personal information of our panelists, there is always some risk that an unauthorized third party may find a way around our security systems or that transmissions of information over the Internet will be intercepted. However, YouGov will always be vigilant in minimizing such risk to the best of our ability.



## **PROTECTION OF HUMAN SUBJECTS**

YouGov works with the Western IRB to ensure its research protocol and specific studies are consistent with Good Clinical Practices as defined under the U.S. Food and Drug Administration (FDA) regulations and the International Conference on Harmonisation (ICH) guidelines.

Additionally, the YouGov research protocol has been reviewed and approved for Federalwide Assurance (FWA) by the Department of Health and Human Services (DHHS). The FWA number assigned to YouGov, Inc., is FWA00010960. YouGov's FWA approval is listed on the Department of Health and Human Services website at <http://ohrp.cit.nih.gov/search/search.aspx>. Funding agencies may use this website to verify that YouGov holds an active OHRP-approved FWA. The expiration date for our FWA renewal is 10/13/2016.

All members of the Scientific Research team have IRB training.

## **HOSTING FACILITIES**

YouGov hosts its servers at the Equinix data center facility in Palo Alto (PAIX) which provides us with highly-available, high performance, mission critical Internet access. This facility has redundant backup power generators and uninterruptible power systems, along with high speed fiber links to multiple carriers. YouGov purchases "clear-channel" private Internet connectivity to avoid network congestion. In addition to multiple connections to the major Tier 1 Internet backbones like Level 3 and Williams Communications, our Web hosting facility also maintains fiber connectivity to InterNAP. InterNAP utilizes a proprietary network architecture and advanced routing technologies, which enables them to route data to and from destinations in a manner that minimizes the use of congested public exchanges and private peering points. This routing enables higher transmission speeds and lower instances of data packet loss. Our facilities are provisioned with the connectivity and dynamic bandwidth scalability needed to handle high-bandwidth applications, traffic spikes, and network outage issues. Access to the facility is by appointment, confirmed by credentials and secure passcode. The YouGov servers are housed in dedicated racks with locked doors that can only be accessed by authorized YouGov personnel. PAIX is SAS-70 certified.

## **DATA SECURITY AND RESPONSIBILITY**

YouGov uses software-based firewalls, a DMZ, and multiple VLANs to secure external access to our servers and internal networks. Additional multi-layer software controls protect the integrity of the personally identifying and other confidential respondent information. Databases are backed up continuously; all other information is backed up daily. The back-up system has been documented and data retrievals from the back-up system have been tested for integrity.

Access to confidential respondent information is limited to authorized users in the company's survey and information services groups and is password protected. Access rights can be changed at any time by the CTO and password security is strictly enforced. YouGov has not experienced any known security breaches since inception and regularly audits its security procedures.

## YouGov Incentives

YouGov manages an incentive program as a thank you for respondent participation. Survey respondents are awarded "PollingPoints" that are redeemable for the following small gifts:

Points	Reward
17,500	YouGov Tote Bag
20,000	YouGov T-Shirt
25,000	Restaurant.com \$25 Gift Certificate
30,000	Two Movie Tickets – AMC Theaters
30,000	Two Movie Tickets – Regal Entertainment Group Theaters
30,000	Two Movie Tickets – Cinemark Theaters
35,000	Darden Restaurants \$20 Gift Card
45,000	Diningdough.com \$25 Gift Certificate and 2 Fandango. com Movie Tickets
50,000	Web Camera – Microsoft LifeCam VX
60,000	Diningdough.com \$50 Gift Certificate and 2 Fandango.com Movie Tickets
70,000	Darden Restaurants \$50 Gift Card
80,000	iPod Shuffle
100,000	\$100

Each panelist receives between 500 and 5,000 points to complete a survey. As a policy, panelists who are invited to a particular survey but then identified as ineligible are provided incentives to remove the motivation for falsifying information. In general, survey reward policies and incentives are intended to be unattractive to professional survey takers but serve as a genuine token of appreciation for YouGov panelists.

**EXAMPLE OF YG SURVEY INVITATION**



Dear <NAME>,

You have been selected to share your opinions in a new YouGov survey.

To get started please click the button below. If you cannot view or click on the button, please copy and paste this address into your browser:

<Survey link>

<Start Now>

We know your time is valuable, and as a way of showing our thanks, you will be awarded at least 500 points when you complete this survey, and every emailed YouGov survey. The longer the survey, the more points you earn.

Notice our new name and look? Although the PollingPoint name is gone, rest assured that the heart of PollingPoint remains at YouGov. Your current points remain the same, and you'll continue to earn points for new surveys the same as before.

Thank for being an active member of the YouGov community!

Kelly Connor

YouGov

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## **FREQUENTLY ASKED QUESTIONS ON DATA SECURITY**

How do we prevent one person from completing surveys multiple times?  
Once a respondent completes a survey the "visa" assigned to that person is invalidated so the survey cannot be taken again.

Who will be maintaining the YouGov web site/servers?  
YouGov staff maintains the servers and web sites.

Who will have access to the data collected & back-up files?  
VP of Survey Operations and Statistical Analyst; Systems Administrators; and potentially the lead software developers under a need to know basis.

Are the data stored while the respondent is answering questions or is that data only stored at the end when the survey is submitted?  
The answers are stored each time a user submits a page.

How is confidentiality maintained during the transmission of data?  
No identifying personal information is transmitted while the survey is taken. The responses are identified only by an unique, coded "visa" that can be linked with the respondent's personal information only on the database server behind our firewall in a secure local zone.

Does YouGov monitor web sites visitation and e-mails?  
Internet access to ports is firewall limited. Off-site e-mail access is over SSL connections. Security logs are monitored for inappropriate activity.

When the subject submits their data to the web server information about the subject is of attached (IP address etc.); how will information be protected?  
Once acquired, respondents' data is only transmitted over internal networks behind firewalls or over encrypted VPN connections. Personally identifying information is not transmitted or stored together with survey answers.



# ESOMAR 28

## 28 QUESTIONS TO HELP ONLINE RESEARCH BUYERS



The primary aim of these 28 Questions is to increase transparency and raise awareness of the key issues for researchers to consider when deciding whether an online sampling approach is fit for their purpose. Put another way, the aim is to help researchers to ensure that what they receive meets their expectations. The questions are also designed to introduce consistent terminology for providers to state how they maintain quality, to enable buyers to compare the services of different sample suppliers. Notes on the context of the questions explain why the questions should be asked and which issues researchers should expect to be covered in the answer.

These new questions replace ESOMAR's "26 Questions to help Research Buyers of Online Samples". ESOMAR has updated the text to recognize the ongoing development of techniques. While some of the questions remain constant, new questions have been added to incorporate new techniques and new technology in this area. In particular, this revision recognises the broad trend within the industry to build online samples from multiple sources rather than relying on a single panel.

It should be noted that these 28 Questions focus on the questions that need to be asked by those buying online samples. If the sample provider is also hosting the data collection you will need to ask additional questions to ensure that your project is carried out in a way that satisfies your quality requirements.

The 28 Questions complement ESOMAR's Guideline to Online Research which was revised in 2011 to add updated legal and ethical guidance and new sections on privacy notices, cookies, downloadable technology, and interactive mobile.

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## COMPANY PROFILE

### 1. What experience does your company have in providing online samples for market research?

*Context: This answer might help you to form an opinion about the relevant experience of the sample provider. How long has the sample provider been providing this service and do they have for example a market research, direct marketing or more technological background? Are the samples solely provided for third party research, or does the company also conduct proprietary work using their panels?*

YouGov is an international, full-service online market research agency offering custom research, omnibus, field and tab services, qualitative research, syndicated products and market intelligence reports. Our mission is to supply a continuous, live stream of data and insight into what people are thinking and doing all over the world, so that companies, governments and institutions can better serve the people that sustain them.

Founded in the UK in 2000, YouGov is considered the pioneer of online market research. With our global panel of more than 3 million respondents, and offices in the United Kingdom, the United States, Europe and the Middle East, we offer our clients international results faster and more cost-effectively than traditional methods, with no compromise on quality.

## SAMPLE SOURCES AND RECRUITMENT

### 2. Please describe and explain the type(s) of online sample sources from which you get respondents. Are these databases? Actively managed research panels? Direct marketing lists? Social networks? Web intercept (also known as river) samples?

*Context: The description of the types of sources a provider uses for delivering an online sample will provide insight into the quality of the sample.*

YouGov maintains a highly engaged panel of respondents who have specifically opted in to participate in online research activities.

The value of our panel, as opposed to many other types of online sample sources, lies in having continuous access to a responsive audience ready-profiled on important demographic, attitudinal and lifestyle attributes. This enables us to execute a wide range of projects, from nationally representative samples to re-contact surveys with hard-to-find audiences.

### 3. If you provide samples from more than one source: How are the different sample sources blended together to ensure validity? How can this be replicated over time to provide reliability? How do you deal with the possibility of duplication of respondents across sources?

*Context: The variation in data coming from different sources has been well documented. Overlap between different panel providers can be significant in some cases and de-duplication removes this source of error, and frustration for respondents.*

Due to the size and strength of our own panel, YouGov does not often require additional sample. When we do include samples from external providers, it is only with the prior approval of our clients, and we will only use pre-identified partners who work to our approved standards. In such cases, our technology allows us to detect users taking the same survey with other providers, so we can remove them from the data as required.





4. Are your sample source(s) used solely for market research? If not, what other purposes are they used for?

*Context: Combining respondents from sources set up primarily for different purposes (like direct marketing for example) may cause undesirable survey effects.*

The YouGov panel is used solely for market research.

5. How do you source groups that may be hard to reach on the internet?

*Context: Ensuring the inclusion of hard-to-reach groups on the internet (like ethnic minority groups, young people, seniors etc.) may increase population coverage and improve the quality of the sample provided.*

YouGov actively recruits hard-to-reach respondents (such as younger people and those from ethnic minorities) via a network of partners with access to a wide range of online sources that cater to these groups. These sources have specific experience in recruiting these audiences for online activities.

These recruitment programmes include search engine optimization (SEO), affiliate networks, niche websites, and refer-a-friend programmes.

All recruitment sources, for hard-to-reach audiences or anyone else, are monitored to ensure that respondents are profiled, responsive, and engaged in the survey-taking experience.

6. If, on a particular project, you need to supplement your sample(s) with sample(s) from other providers, how do you select those partners? Is it your policy to notify a client in advance when using a third party provider?

*Context: Many providers work with third parties. This means that the quality of the sample is also dependent on the quality of sample providers that the buyer did not select. Transparency is essential in this situation. Overlap between different providers can be significant in some cases and de-duplication removes this source of error, and frustration for respondents. Providers who observe process standards like the ISO standards are required to give you this information.*

As noted above, we rarely need to supplement our sample with that from other sources. On those occasions when external sample is required, we always notify the client so that they can take part in the decision about when and how to proceed with a different supplier.

External sample partners are chosen by their ability to target hard-to-reach audiences, and by the quality and timeliness of their work. Our technology allows us to detect users taking the same survey with other providers, and thus avoid duplicate responders.

## SAMPLING AND PROJECT MANAGEMENT

7. What steps do you take to achieve a representative sample of the target population?

*Context: The sampling processes (i.e. how individuals are selected or allocated from the sample sources) used are the main factor in sample provision. A systematic approach based on market research fundamentals may increase sample quality.*

Using YouGov's proprietary sampling technology, we begin by framing quotas based upon the census or profile of the required population. This frame is the basis on which our sampling software controls the flow of members into each survey.

Our sampling system will randomly select from our available panel, and allocate to surveys according to the quotas set.

8. Do you employ a survey router?

*Context: A survey router is a software system that allocates willing respondents to surveys for which they are likely to qualify. Respondents will have been directed to the router for different reasons, perhaps after not qualifying for another survey in which they had been directly invited to participate, or maybe as a result of a general invitation from the router itself. There is no consensus at present about whether and how the use of a router affects the responses that individuals give to survey questions.*

YouGov's proprietary sampling software includes a router. This removes the potential for self-selection on surveys, and increases our ability to deliver lower incidence samples within a short time frame.





9. If you use a router: Please describe the allocation process within your router. How do you decide which surveys might be considered for a respondent? On what priority basis are respondents allocated to surveys?

*Context: Biases of varying severity may arise from the prioritisation in choices of surveys to present to respondents and the method of allocation.*

Panellists receive an invitation email containing a survey link. When they access the link the router will check against quotas on all live surveys and allocate them to a survey for which they qualify. We can manually control prioritisation (for example to ensure that a particularly urgent client survey can meet quotas in the necessary time frame), but allocation is predominantly determined by the quotas defined in the frame for each survey.

If, following more detailed screening, a respondent doesn't qualify for the survey to which they are allocated they will be returned to the router and allocated to another survey.

10. If you use a router: What measures do you take to guard against, or mitigate, any bias arising from employing a router? How do you measure and report any bias?

*Context: If Person A is allocated to Survey X on the basis of some characteristic then they may not be allowed to also do Survey Y. The sample for Survey Y is potentially biased by the absence of people like Person A.*

In any case where we consider there could be a potential for bias resulting from use of a router, we will revert to a manual invitation process. All surveys running on the router will have sampling controls on all variables likely to affect the results.

11. If you use a router: Who in your company sets the parameters of the router? Is it a dedicated team or individual project managers?

*Context: It may be necessary to try to replicate your project in the future with as many of the parameters as possible set to the same values. How difficult or easy will this be?*

All parameters are set and controlled by the panel team within our Operations department. These are only changed following explicit consultation with all affected parties.

12. What profiling data is held on respondents? How is it done? How does this differ across sample sources? How is it kept up-to-date? If no relevant profiling data is held, how are low incidence projects dealt with?

*Context: The usefulness to your project of pre-profiled information will depend on the precise question asked and may also depend on when it was asked. If real time profiling is used, what control do you have over what question is actually asked?*

We collect over 500 data points on panellists through the initial opt-in process, in ongoing profiling efforts, and from survey responses. Basic profile information is stored for all panellists, with less frequently used attributes covered to varying degrees. Collection of this long tail of opinion and behavioural data is typically driven by client demand.

Beyond this, we have a proprietary system that automatically updates panellist demographics from survey data (typically every 3-6 months) depending on the relative frequency with which particular data points are likely to change.

13. Please describe your survey invitation process. What is the proposition that people are offered to take part in individual surveys? What information about the project itself is given in the process? Apart from direct invitations to specific surveys (or to a router), what other means of invitation to surveys are respondents exposed to? You should note that not all invitations to participate take the form of emails.

*Context: The type of proposition (and associated rewards) could influence the type of people who agree to take part in specific projects and can therefore influence sample quality. The level of detail given about the project may also influence response.*

In the majority of cases, respondents are emailed a generic survey invitation, whether invited directly to a study or via a router. Once they are allocated to a particular survey and have passed any additional screening, they are immediately informed of the topic, estimated length and their reward for taking part.

For qualitative studies respondents are given more information in the invitation itself on the topic and nature of the survey, and the amount of time they will have to make available to participate.



**14. Please describe the incentives that respondents are offered for taking part in your surveys. How does this differ by sample source, by interview length, by respondent characteristics?**

*Context: The reward or incentive system may impact on the reasons why people participate in a specific project and these effects can cause bias to the sample.*

Panelists are typically motivated by two things:

- Points for completing a survey (i.e., rewards)
- Understanding the impact of their contribution (i.e., "having their say")

YouGov's incentive programme is points-based. Point values are determined by survey length and are allocated upon survey completion. Respondents accumulate points for completing surveys and are able to redeem these either for entries into prize draws with a wide range of prizes or towards a cash payment.

In addition, we also share key survey results and actual data from selected surveys, and are constantly developing ways to enhance this feedback loop. Results are posted on the panellist areas of the website, and regular newsletters are used to highlight media coverage of YouGov survey results.

**15. What information about a project do you need in order to give an accurate estimate of feasibility using your own resources?**

*Context: The "size" of any panel or source may not necessarily be an accurate indicator that your specific project can be completed or completed within your desired time frame.*

The information we need stems from the client's requirements:

- Who do they wish to survey, in terms of demographics, behaviours and/or attributes? This will enable us to estimate incidence and develop quotas.
- What do they want to know? This will enable us to design the survey(s) to meet their needs and understand the length and nature of the survey(s) we will be running.
- When do they want to know it? Defining an end date will allow us to manage the client's survey(s) as part of the suite of fieldwork we are running, to ensure optimum response.

**16. Do you measure respondent satisfaction? Is this information made available to clients?**

*Context: Respondent satisfaction may be an indicator of willingness to take future surveys. Respondent reactions to your survey from self-reported feedback or from an analysis of suspend points might be very valuable to help understand survey results.*

YouGov asks for satisfaction scores from every panellist at the end of a survey experience, both explicit (using five specific questions) and implicit (using response metadata). These data are used internally to evaluate and improve the YouGov experience for panellists.

YouGov also carries out its own research on research, exploring in more detail what makes for a good respondent experience, identifying drivers of – and developing solutions for – respondent fatigue.

**17. What information do you provide to debrief your client after the project has finished?**

*Context: One should expect a full sample provider debrief report, including gross sample, start rate, participation rate, drop-out rate, the invitation/contact text, a description of the field work process, and so on. Sample providers should be able to list the standard reports and metrics that they make available.*

Upon request, we will happily provide clients with disposition reports that contain email metrics (such as start and completion rates, and so on), invitation examples, and any other details relating to the project fielding.



## DATA QUALITY AND VALIDATION

18. Who is responsible for data quality checks? If it is you, do you have in place procedures to reduce or eliminate undesired within survey behaviours, such as (a) random responding, (b) illogical or inconsistent responding, (c) overuse of item non-response (e.g. "Don't Know") or (d) speeding (too rapid survey completion)? Please describe these procedures.

*Context: The use of such procedures may increase the reliability and validity of the survey data.*

We have several techniques available to us to ensure that clients receive the highest quality data on which to base analysis. Specifically, we have mechanisms to identify and remove:

- Speeders
- Those that fail trap questions
- Habitual non-responders

The suite of quality checks will be defined with the client at the start of a project to ensure they align with any existing quality standards. In addition to removing fraudulent responses from the survey data, those panellists that fail these tests are marked in the database and ultimately removed from the panel should they turn out to be consistent offenders.

19. How often can the same individual be contacted to take part in a survey within a specified period whether they respond to the contact or not? How does this vary across your sample sources?

*Context: Over solicitation may have an impact on respondent engagement or on self-selection and non-response bias.*

On average, panellists complete a survey no more than once per week, a threshold that ensures continued engagement without over-burdening panellists with too many surveys.

We monitor and control the number and frequency of invitations and completions both at an overall level and within subject areas.

20. How often can the same individual take part in a survey within a specified period? How does this vary across your sample sources? How do you manage this within categories and/or time periods?

*Context: Frequency of survey participation may increase the risk of undesirable conditioning effects or other potential biases.*

Controls are set on a study-by-study basis. We can control to whom invitations are sent based on previous studies they have completed, and within whatever time frame is specified.

21. Do you maintain individual level data such as recent participation history, date of entry, source, etc., on your survey respondents? Are you able to supply your client with a project analysis of such individual level data?

*Context: This type of data per respondent including how the total population is defined and how the sample was selected and drawn, may increase the possibilities for analysis of data quality.*

Though not generally relevant to clients, we do store additional data on the effectiveness of our recruiting partners. We can evaluate the quality of a source by understanding the longevity, response frequency, and participation history at an individual and source level.



22. Do you have a confirmation of respondent identity procedure? Do you have procedures to detect fraudulent respondents? Please describe these procedures as they are implemented at sample source registration and/or at the point of entry to a survey or router. If you offer B2B samples what are the procedures there, if any?

*Context: Confirmation of identity can increase quality by decreasing multiple entries, fraudulent panellists etc.*

YouGov applies a number of checks to ensure the quality of survey data, including, for example, trap questions that test panellist responses against pre-collected demographic data.

The suite of quality checks available allow us to detect fraudulent responses as well as duplicate respondents, and where panellists fail quality checks they are marked in the database as suspect and are removed from the panel if they turn out to be consistent offenders.

## POLICIES AND COMPLIANCE

23. Please describe the 'opt-in for market research' processes for all your online sample sources.

*Context: The opt-in process indicates the respondents' relationship with the sample source provider. The market generally makes a distinction between single and double opt-in. Double opt-in refers to the process by which a check is made to confirm that the person joining a panel or database wishes to be a member and understands what to expect (in advance of participating in an actual survey for a paying client).*

YouGov uses a double opt-in procedure across all panels. At the point of the first opt-in panellists are asked to confirm they are happy to accept the Terms and Conditions of membership. Only once they've agreed to these will they be sent a confirmation email and a link to double opt-in and activate their panellist account.

24. Please provide a link to your Privacy Policy. How is your Privacy Policy provided to your respondents?

*Context: Not complying with local and international privacy laws might mean the sample provider is operating illegally. An example privacy policy is given in the ESOMAR Guideline for Online Research.*

YouGov takes data protection and panellist privacy very seriously. Our Privacy Policy can be found at <http://www.yougov.co.uk/privacy-policy> and covers key topics including:

- Use of personally identifiable information
- Disclosure of information
- Data security



**25. Please describe the measures you take to ensure data protection and data security.**

*Context: The sample provider usually stores sensitive and confidential information on panellists and clients in databases. These data need to be properly secured and backed-up, as does any confidential information provided by the client. The sample provider should be able to provide you with the latest date at which their security has been evaluated by a credible third-party.*

All panellist data, personally identifiable or otherwise, is stored on UK-based servers that are maintained behind secure firewalls, IDS and Threat Management appliances and located in a site that is certified to the latest ISO standard (ISO/IEC 27001:2005). Personally identifiable information is stored separately from all profile data as a means of further securing panellist data.

Access to the data is limited to only those with direct responsibility for panel management and maintenance. In addition, all employees are required to abide by our Privacy Policy and are subject to disciplinary action if it is violated.

**26. What practices do you follow to decide whether online research should be used to present commercially sensitive client data or materials to survey respondents?**

*Context: There are no foolproof methods for protecting audio, video, still images or concept descriptions in online surveys. In today's social media world, clients should be aware that the combination of technology solutions and respondent confidentiality agreements are "speed bumps" that mitigate but cannot guarantee that a client's stimuli will not be shared or described in social media.*

Though there are no flawless methods of protecting in-survey content, YouGov can offer both general and specific protection to web-based client material. First, all YouGov panellists are subject to clear restrictions on the re-use of material by virtue of their agreement to our Terms and Conditions (see <http://yougov.co.uk/panel/terms-and-conditions/>). Second, to augment this general protection, YouGov can limit the lifetime of any link to audio, video and other content, such that it expires after a certain period of time, and cannot thereafter be accessed.

**27. Are you certified to any specific quality system? If so, which one(s)?**

*Context: Being certified may require the supplier to perform tasks in a pre-determined manner and document procedures that should be followed.*

YouGov's third party data centre provider is certified to the following standards, providing industry-approved protection to all YouGov data:

- ISO 9001:2008
- ISO/IEC 27001:2005
- Payment Card Industry Data Security Standard v2.0
- Member of the British Polling Council

**28. Do you conduct online surveys with children and young people? If so, do you adhere to the standards that ESOMAR provides? What other rules or standards, for example COPPA in the United States, do you comply with?**

*Context: The ICC/ESOMAR International Code requires special permissions for interviewing children. These are described in the ESOMAR Online Research Guideline. In the USA researchers must adhere to the requirements of the Children's Online Privacy Act (COPPA). Further information on legislation and codes of practice can be found in Section 6 of ESOMAR's Guideline for Online Research.*

Panel registration is limited to those over 16 years of age, in line with MRS guidelines.

In cases where our research seeks to understand the views of those under the age of 16, YouGov seeks permission from the parent or guardian when screening our own panellists, and ensure all contact is via the parent or guardian and that they are fully aware of the nature of the research at all times.



## **GUIDANCE ON PROFESSIONAL STANDARDS**

Maintaining consumer trust is integral to effective market, social and opinion research. ESOMAR through its codes and guidelines promotes the highest ethical and professional standards for researchers around the world.

The ICC/ESOMAR Code on Market and Social Research, which was developed jointly with the International Chamber of Commerce, sets out global fundamentals for self-regulation for researchers. It has been undersigned by all ESOMAR members and adopted or endorsed by more than 60 national market research associations worldwide.

The ESOMAR Guideline on Guideline on Online Research is of particular relevance to researchers using online panels and should be read in conjunction with these questions for more explanation of the legal and professional responsibilities of researchers who are collecting and analysing online research data.

In addition, ESOMAR has issued the following guidelines to provide more detailed advice on how to address the legal, ethical, and practical considerations of conducting specific areas of research:

- Guideline on Social media research
- Guideline for Conducting mobile research
- Guideline on Online research
- Guideline on Distinguishing market research from other data collection activities
- Guideline on Passive data collection, observation and recording
- Guideline on Interviewing children and young people
- Guideline on Customer satisfaction studies
- Guideline on Mystery shopping
- Guideline on How to commission research
- ESOMAR/WAPOR Guide to opinion polls

There are also two ISO standards which relate to market research:

ISO Standard 26362 – Access panels in market, opinion and social research - Vocabulary and service requirements

ISO 20252 - Market, opinion and social research - Vocabulary and service requirements

These documents contain useful definitions and explain process quality standards for access panels and research projects. They explain good practice and the information that should be provided to clients. They can be purchased from the International Standards Organisation <http://www.iso.org/iso/home.html>

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## **Appendix G**

### **What the Package Mainly Communicates About the Product (Question C1)**

*Base: All Test Group Respondents*

C1. What, if anything, does this package mainly communicate to you about this product?



ID	Ver.	C1.
386749007	A	The packaging features advertisement of the lack of sugar. In place of sugar is sucralose, which is not broken down by the body, and can cause problems in the blood. I did not find the caffeine content anywhere except a small warning box on the back. An energy drink, Spider Energy, contains 240 mg – 60mg less than this brand – yet it shows the amount on the top of the can.
432335892	A	It's an energy supplement drink.
440277519	A	That it doesn't make you crash like your other energy drinks.
440489718	A	A low-calorie energy boost.
440510468	A	It's a caffeine drink with 0 calories.
440575165	A	That it's a high-energy drink with lots of vitamins.
440623644	A	This is not like ordinary high-sugar energy drinks that make you crash. No sugar. High caffeine. Contains creatine.
440634319	A	It seems to be healthier than other sodas or energy drinks.
440655053	A	The new drink, 0 calories.
440672486	A	Bang.
440679920	A	It's a caffeine drink, and not a high-sugar drink.
440718606	A	Bang is a healthy energy drink.
440720485	A	A different type of energy drink with lots of caffeine in it.
440720511	A	It's an energy drink.
440720570	A	I liked the flavor, mango. I liked the back saying about sugar. I'd buy it because I have recently started consuming less sugar.
440720822	A	It's like an energy drink without the "harmful" ingredients. No caffeine, but a whole lot of extra supplements which in my opinion may or may not be harmful to the human body.
440720871	A	This is a drink for body and brain fuel/energy.
440720931	A	That it is a better option for an energy drink.
440720978	A	Not a sugar drink. Has high energy with no calories.
440726449	A	No sugar, max caffeine, no sugar crash.
440726525	A	Natural.
440726637	A	Lack of sugar in an energy drink.
440726924	A	Vitamin-packed energy for your brain.
440729927	A	Nutrition facts.
440731889	A	The brand and ingredients.
440732089	A	Don't like the name.
440732342	A	Zero-calorie, high-potency energy drink with creatine and COQ10. Natural flavors.
440732570	A	Energy drink.

ID	Ver.	C1.
440732868	A	Tasty.
440755069	A	0 calories. Peach mango flavor.
440762528	A	Energy/health drink.
440762709	A	That this product is not your typical energy drink filled with junk. It has no sugar and can really give you a boost. There are some great things in it.
440769992	A	It's a brain and body energy drink, not safe for anyone under 18 or for anyone who has a medical condition and/or takes prescription drugs.
440780322	A	High energy, zero calories.
440780633	A	A quick energy burst.
440784082	A	This communicates that it is a healthier option for an energy drink.
440793431	A	No calories, no sugar, vitamins and minerals that give you energy.
440797504	A	Don't know.
440859304	A	Brain and body energy.
440882486	A	That Bang is a zero-sugar, zero-calorie product that contains a good amount of caffeine and creatine.
440891973	A	This shouldn't cause energy crashes like other similar products do, if it works as advertised.
440895550	A	Energy.
440896657	A	It's an energy drink.
440903663	A	It's a good product.
440908581	A	It is not your ordinary energy drink. It uses better ingredients to boost energy and doesn't cause a crash. It is a boost to your brain, not just your body.
440924044	A	Practically a caffeine overdose.
440928966	A	It's a beverage, but not your average energy drink, zero calories.
440929046	A	That this is an energy drink that is healthier than others, with no calories, no carbs, etc.
440950569	A	High energy without sugar.
440971599	A	It's for energy, but less calories and sugar than traditional energy drinks.
440981441	A	The package communicates that the product fuels the body.
441017279	A	It's a very potent energy drink.
441059750	A	It is supposed to be a much better alternative to the current sugar-filled energy drinks on the market. The can focuses on its benefits and its competition at the same time.
441086296	A	That it's sugar-free, contains caffeine, and has B vitamins and C.
441094590	A	That it is an energy drink not loaded with sugar and carbs like typical energy drinks. It relies on caffeine and amino acids to help give you a great natural energy fix.

ID	Ver.	C1.
441100635	A	Energy without sugar.
441141914	A	Energy drink.
441141987	A	Bang.
441145612	A	Free energy in a can.
441159015	A	It asserts that high sugar energy drinks actually cause metabolic changes that can lead to less energy.
441167267	A	Energy.
441167318	A	0% of everything.
441167604	A	It's a no-calorie drink with no sugar. It's trying to put itself aside of most drinks.
441172553	A	It's an energy drink.
441177407	A	0 calorie energy drink.
441181762	A	It's an energy drink, and to be cautious when drinking it.
441189642	A	It states that it contains better ingredients then most other energy drinks.
441189964	A	This product stands out and caught my attention.
441193235	A	It's sugar- and calorie-free energy that's better for the body because it doesn't have sugar.
441199829	A	Don't know.
441200002	A	A natural energy drink that contains caffeine, but not excessive sugar.
441200888	A	Energize drink.
441204848	A	Unlike other energy drinks, this one doesn't contain high levels of sugar.
441210579	A	It is a zero-calorie energy drink.
441211859	A	It is an energy drink.
441231118	A	Energy drink.
441258550	A	Peach mango.
441262193	A	Energy-providing.
441268692	A	That it is not a high-sugar energy drink, but a vitamin-enhanced one.
441274436	A	Energy drink.
441278370	A	That it is a product that does not contain added sugars, so you can feel good about drinking, not like a regular sugar soda.
441331316	A	An energy drink.
441335218	A	Good product, energetic.
441339382	A	Don't know.
441367727	A	Bang Energy.
441367862	A	Sugar free, but not to take if you're taking prescriptions.
441368675	A	Energy drink with no sugar, zero carbs, with creatine.
441372680	A	A new energy drink.

ID	Ver.	C1.
441378240	A	Calorie-free, sugar-free energy drink.
441381908	A	Which is a product that gives energy.
441382916	A	It is different from other energy drinks and is supposed to be healthier.
441383650	A	A new brand with nice flavors.
441386654	A	It is an energy drink.
441439304	A	It doesn't bring you down like other energy drinks.
441454251	A	It's a low-calorie energy drink.
441463361	A	Don't know.
441463548	A	That it's a sports energy drink.
441507883	A	Don't know.
441531014	A	That it will give you energy without all the sugars and crashing, and help your brain.
441548997	A	That it's different than your regular energy drink.
441549080	A	The product has caffeine in it.
441551593	A	That it does not contain sugar like other energy drinks.
441578578	A	Good taste and no calories.
441582484	A	The product seemed very masculine.
441589489	A	No sugar.
441635920	A	I like that it has no carbs.
441647491	A	No calories.
441690029	A	Healthier than other energy drinks.
441719783	A	Body fuel.
441745897	A	It's very masculine, Monster Energy-ish. A lot of artificial-sounding ingredients. Probably tastes like cough syrup.
441746470	A	No sugars.
441870069	A	That it's an energy drink that doesn't have high sugars for the after-crash like most energy drinks.
441898284	A	It's a protein drink.
442049943	A	That it's an energy drink.
442066616	A	There are very few ingredients.
442099237	A	A boost.
442152074	A	Don't know.
442156112	A	Great energy – will help – flavor.
442209590	A	Brain and body fuel.
442223552	A	Low sugar, high energy drink.
442224260	A	Related nutrients.

ID	Ver.	C1.
442229980	A	Energy drink, no sugar, vitamins.
442243357	A	It's like a Red Bull energy drink.
442253926	A	It's an energy drink. It's hardcore.
442260210	A	That the product was an energy drink that contained creatine with no sugars.
442274772	A	That because of my health issues, I should not purchase it.
442300737	A	It is healthier.
442300759	A	It appears to be an energy drink that also appears to be a sugar-free option.
442304269	A	Don't know.
442304779	A	Energy. Brain.
442308114	A	The flavor is a Bang! It's peach mango.
442318348	A	This is not your average energy drink.
442318440	A	A new and natural alternative to energy drinks, coffee and tea. It seems that the main theme is the caffeine content.
442321626	A	That it is not a typical sugar energy drink that will cause someone to crash shortly after drinking.
442322533	A	Other energy drinks are frauds and trying to kill you. Also, Bang is from the '90s, because it is EXTREME.
442322610	A	Gives me information about what's in the can.
442323084	A	You should only use it if you are a healthy individual.
442326673	A	Not like other drinks.
442327357	A	That it is better than sugar energy drinks.
442331806	A	Energy drink.
442335767	A	It's an energy drink that provides energy for the body and brain.
442340912	A	Zero calories.
442349002	A	Energy drink, high caffeine, do not use if on medical regime.
442353243	A	No sugar, lots of caffeine.
442353415	A	Granting energy to the body and brain.
442353721	A	Good for the brain and energy.
442353919	A	It is an energy drink.
442361339	A	It's mango.
442365404	A	Healthy.
442365619	A	It is a safe product – healthy, great taste.
442373125	A	It's an energy drink.
442386778	A	Don't know.

ID	Ver.	C1.
442390626	A	That it is healthier than most energy drinks. I particularly noticed it did not contain aspartame, which is a huge improvement already over almost all other sugar-free energy drinks.
442411553	A	Gives energy.
442433427	A	Energy drink.
442433605	A	It sounds a bit "try-hard" in its description of itself. Low in sugar, which is good. It sounds like this would be a good pre-workout beverage, but not sure I'd buy this one because of the flavor. It just doesn't sound good to me.
442442305	A	No sugar, so no crash. It's meant to give you better energy than other energy drinks and sodas.
442479456	A	It's an energy drink made by the same company that makes Redline. Good workout supplement.
442488784	A	That it has zero calories, zero sugar, and zero carbs.
442503202	A	It isn't a product that uses sugar to give you energy.
442503560	A	It's a sugar-free energy drink.
442508696	A	Strong.
442517489	A	That this is a potent brain-focusing and body-energizing product.
442517681	A	Energy drink.
442518008	A	It is a zero-calorie energy drink with a lot of caffeine called Bang.
442522075	A	Full of vitamins.
442526720	A	That it's yet another unhealthy energy drink attempting to use fancy marketing images and words in an attempt to portray the drink in a healthier image.
442531060	A	Don't know.
442531265	A	An energy drink with no calories.
442531317	A	Don't know.
442531571	A	Bang.
442535559	A	0 sugars, so you don't crash and burn like other sugar energy drinks.
442537315	A	That it's an energy drink that can get me through the day.
442546411	A	Energy without a crash. BANG!
442565930	A	It's an energy drink that also promotes a workout, since it has creatine added.
442579874	A	The great flavor.
442580009	A	It's strong-flavored and bold.
442583397	A	An energy drink that draws attention for the packaging and active ingredients.
442588892	A	Don't know.

ID	Ver.	C1.
442601040	A	That it has no sugar and good ingredients.
442627950	A	A zero-calorie energy drink.
442673862	A	Energy drink, but no crash.
442685709	A	Don't know.
442720368	A	A high-octane energy drink with natural flavors.
442730781	A	It is an energy drink.
442732424	A	Sugar-free, calorie-free, no carbs. Caffeine should only be used by healthy individuals.
442737061	A	Not your typical energy drink.
442737761	A	That this drink is a strong energy drink, with how much caffeine and energy supplements are in it.
442760101	A	Energy drink.
442768136	A	Better than other energy drinks.
442769703	A	Has no sugar, no carbs, and does not make you crash.
442775616	A	That it is targeted to a certain subset of the population, perhaps weight-lifters or gamers. The packaging is really reminiscent of Monster energy drinks – very male, very aggressive.
442776258	A	It's a healthy energy drink.
442776936	A	High energy drink, no nutrient value.
442777724	A	Don't know.
442797335	A	Don't know.
442808096	A	That it is a carbonated energy drink.
442811760	A	A natural energy drink, but it warns you not to take it if you take any prescription medication.
442812309	A	It is an energy drink with a lot of caffeine in it and some stuff that may be healthy.
442815399	A	Please buy us!!! We'll keep you up for hours. Be careful, though – we can be potentially hazardous with how much caffeine we contain!!! Don't have a heart-attack by overdosing on our beverage.
442816175	A	That Bang is good for energy.
442820355	A	That most energy drinks have sugar and make you crash.
442839018	A	Energy drink.
442874947	A	That it's made with creatine and is high in caffeine.
442888158	A	0 calories.
442909566	A	For brain fuel.
442909942	A	Way more caffeine than I could ever tolerate.
442918989	A	A potent energy supplement.

ID	Ver.	C1.
442928241	A	That it's not like most energy drinks that are more like soda and full of sugar.
442931318	A	Don't know.
442936669	A	Energy provider.
442956181	A	It is a different energy drink.
442967451	A	It's not like normal energy drinks. It doesn't spike your blood sugar.
442988795	A	Bang – excellent. Peach mango.
442999308	A	It's an energy drink that doesn't use sugar as an ingredient.
442999323	A	Low sugar, and Bang is an awesome drink.
443045507	A	This product is available in mango flavor.
443070357	A	High vitamins, 0 calories.
443079204	A	It is a complete energizer and full of energy.
443079707	A	Very good for you, no fat or added.
443085749	A	It is a "better for you" energy drink. No carbs, no calories and no crash.
443093245	A	It's similar to a sports drink. Has 0 fat and cholesterol.
443155754	A	No crashing.
443163114	A	It's a good energy drink.
443171226	A	Looks like a 21-or-over drink.
443185185	A	Don't know.
443195811	A	Lot of sugar.
443280778	A	300mg caffeine, added nutrients, no sugar, no calories.
443310524	A	An energy drink with no carbs and artificial flavors.
443316304	A	A no-sugar energy drink.
443326408	A	Healthy energy drink. Not just sugar and caffeine – brain food.
443334223	A	Don't know.
443349395	A	Some kind of creatine super-drink.
443349442	A	I like it.
443361204	A	You can have a different and unique type of soda called Bang that has no sugar, and has vitamins that are very nutritious.
443370809	A	Energetic design.
443370914	A	Energy boosting, zero sugar, natural energy boost.
443384130	A	Bang.
443391462	A	It is well-noted that this particular brand of energy drink, Bang, is very different to Monster or Red Bull or any other energy drink out there. This company is focused on giving the public an energy drink that will not cause a very hard crash at the end of the day.
443397668	A	It increases brain health and energy.



ID	Ver.	C1.
443425794	A	It is a potent brain and body food.
443436579	A	Don't know.
443457985	A	Healthier than other energy drinks.
443472520	A	It has no sugar and is better for you.
443472684	A	A nice quality product.
443483266	A	It's a full body-support energy drink.
443496817	A	Just a drink.
443507154	A	Don't know.
443535148	A	Trying to sell the product.
443558752	A	Energy without the pitfalls.
443627005	A	Don't know.
443650920	A	Nutrients and ingredients.
443652287	A	What is contained in the drink.
443654827	A	An energy drink.
443663464	A	That this is an energy drink with zero calories and zero sugars, but high in vitamins and caffeine.
443729157	A	An energy drink that is not like the others already on the market.
443730401	A	This is a product of energy drinks, and I think it is very good, because it does not have much heat and helps you to keep warm during the day, and it is not very strong. It seems very good.
443742712	A	Don't know.
443751700	A	Supposed to help the body. Energized with caffeine.
443777719	A	That this is a protein and creatine product with vitamins and no sugar.
443790479	A	A low-calorie energy drink, high on caffeine.
443790692	A	This is an energy drink with fruit flavors and body wellness properties.
443790982	A	Hardcore energy drink.
443795546	A	It's a healthy option to other energy drinks.
443795990	A	The name. It's a fairly bold can, too.
443797609	A	Powerful balancing fuel for the body.
443799303	A	It's easy to understand.
443802694	A	It's a high-caffeine, creatine-containing energy drink that's different from your usual energy drink.
443805108	A	Looks like an energy drink I would try.
443808440	A	That it is a zero-calorie, zero-sugar energy drink.
443810536	A	Nothing outstanding.
443810737	A	It's an energy drink trying to separate itself from the pack.
443814471	A	No.

ID	Ver.	C1.
443814927	A	An energy drink with creatine.
443818211	A	Bang is a protein drink and body boost.
443828443	A	Good advertising.
443830002	A	That's it's an energy drink in a y'all can.
443834991	A	An energy drink without the sugar.
443835174	A	Energy without any sugar spike.
443838487	A	I like that it is no sugar, no carbs.
443841720	A	That it is not loaded with sugars like other energy drinks.
443843042	A	Don't know.
443845845	A	A brain and body fuel.
443845971	A	It's unique and different.
443846425	A	That it's an energy drink, but different from the one we have now. It has no calories or fat and sugar, and it's healthy to drink.
443856274	A	An energy drink that isn't just a high-sugar soda.
443862108	A	Another con.
443875472	A	It's not the usual energy drink.
443886929	A	It's got the right vitamins that an energy drink should have.
443887304	A	This package is mainly saying this product is an energy booster – low calories, no artificial ingredients, and no sugar added.
443935883	A	The name and what it's supposed to do.
443938413	A	Sugar-free energy drink. It's healthier.
443944606	A	An energy drink. Lots of caffeine, no sugar.
443945014	A	Zero-sugar, no-carb intense energy drink.
443947909	A	Bang, an energy drink with no energy drink? No calories, but an energy drink for the brain.
443952254	A	Sugar-free, healthier than an average energy drink, and packed with ingredients to power your body.
443953379	A	It has sucralose in it.
443968584	A	Don't know.
443971477	A	0 calories, 0 sugar, but high caffeine.
443971801	A	A no-sugar energy drink with 25% of the daily supply of B6 and B12 vitamins and caffeine. Fruit-flavored.
443981340	A	That it's a high energy drink that doesn't have any sugar in it.
443986403	A	It is an energy drink that has natural benefits and doesn't cause crashes in energy. However, it is high in caffeine.
443989679	A	It's healthier.
444015932	A	The calories, type of product, and purpose of product.

ID	Ver.	C1.
444019199	A	It gives you energy.
444025401	A	Don't know.
444074344	A	That it provides enough caffeine as two cups of coffee. It has no sugar, so there's no sugar high, then sugar crash.
444078729	A	Energy drink diet.
444082003	A	That it is an energy drink. Peach-mango.
444083010	A	An energy drink.
444084047	A	It is an energy drink.
444100160	A	Bang energy.
444115379	A	Awesome Bang energy.
444118817	A	Energy.

## **Appendix H<sup>\*+</sup>**

### **What Ingredients in the Product Will Boost Your Energy (Question C4)**

*Base: Test Group Respondents Who Said the Package Does Communicate What  
Ingredients Will Boost Your Energy in Question C3*

*C4. What ingredient or ingredients in this product do you think will boost your energy?*

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*\* An asterisk indicates that this survey respondent mentioned "creatine."*

*+ A plus sign indicates that this survey respondent mentioned "super creatine."*

ID	Ver.	C4.
386749007	A	Caffeine. It's a cruddy energy boost, since it's extremely high and a lot of people will not be able to drink this without having major heartache. I do not agree with this product being a drink for energy.
432335892	A	BCAAs, caffeine, a proprietary mixture of supplements.
440277519	A	BCAA aminos.
440510468	A	Caffeine.
440575165*	A	Caffeine, vitamins, creatine.
440623644*	A	Caffeine, creatine, amino acids.
440655053	A	Low calories – 0.
440718606*	A	Creatine, vitamins.
440720485*	A	Caffeine, assorted vitamins B, and creatine.
440720570	A	Caffeine.
440720871	A	Caffeine.
440720931	A	Caffeine.
440720978	A	Mainly all the vitamins and minerals that the drink contains.
440726449	A	Caffeine, amino acids.
440726525	A	Caffeine.
440726924*	A	CoQ10, creatine, caffeine.
440729927	A	Don't know.
440731889*	A	Creatine, caffeine, and BCAAs.
440732342*	A	Caffeine, CoQ10, creatine.
440732570	A	Caffeine.
440732868	A	Caffeine.
440762528	A	Don't know.
440762709	A	It has CoQ10.
440769992*	A	Primarily caffeine and creatine.
440780322*	A	Caffeine, creatine, CoQ10, BCAAs.
440780633	A	Since there is no sugar, I assume caffeine.
440784082	A	The caffeine and vitamins will boost your energy as well as the sugar.
440859304	A	Mango.
440882486*	A	Caffeine and creatine.
440895550	A	Caffeine.
440896657	A	Caffeine.
440903663	A	Vitamins.
440908581*	A	Caffeine, B vitamins, creatine.
440924044	A	Caffeine.

ID	Ver.	C4.
440929046*	A	Caffeine, creatine.
440950569	A	Caffeine.
440971599*	A	Creatine and caffeine.
440981441	A	It includes peach and mango.
441017279	A	Caffeine.
441059750	A	Caffeine, mainly.
441086296	A	The 300 mg of caffeine.
441094590	A	Caffeine and amino acids.
441100635*	A	Caffeine, creatine, BCAAs.
441141987	A	Vitamin C.
441145612*	A	Creatine, caffeine and CoQ10.
441159015	A	Caffeine, BCAAs.
441167267	A	Sugar.
441167318	A	The image itself.
441172553	A	Caffeine, BCAAs.
441177407	A	The B vitamins and caffeine.
441181762	A	Caffeine.
441189642*	A	The caffeine and creatine.
441189964	A	Low on calories and no sugar.
441199829	A	The B vitamins.
441200002	A	Caffeine.
441200888*	A	Creatine.
441204848*	A	Creatine, CoQ10.
441210579	A	Caffeine.
441262193	A	Caffeine.
441268692*	A	Creatine, caffeine and B vitamins.
441274436	A	Calories.
441278370	A	Caffeine.
441331316	A	Caffeine.
441335218	A	Sodium, potassium, magnesium, vitamin C, vitamin B6, vitamin B12.
441339382	A	Don't know.
441367727	A	B12 and caffeine.
441368675*	A	Caffeine, creatine.
441372680	A	Don't know.
441378240	A	Caffeine. I don't believe any of that other crap (CoQ10, amino acids, etc.) does anything.

ID	Ver.	C4.
441381908*	A	Creatine and caffeine, CoQ10 and amino acids.
441382916*	A	Caffeine, creatine.
441383650	A	Don't know.
441386654	A	Caffeine.
441439304	A	Caffeine.
441454251	A	It's low calorie.
441463548*	A	Creatine, caffeine, CoQ10, BCAAs.
441531014	A	Sugar and caffeine.
441548997*	A	Caffeine, creatine.
441549080	A	The caffeine and sucralose.
441551593	A	Caffeine.
441582484*	A	Creatine.
441589489*	A	Creatine.
441635920+	A	Super creatine.
441647491	A	Don't know.
441690029*	A	Caffeine, B vitamins, CoQ10, creatine.
441719783*	A	Creatine, caffeine.
441745897	A	Caffeine? And I guess maybe the amino acids? It's way too much caffeine for me, I couldn't drink this.
441746470*	A	Creatine, caffeine.
441870069	A	The caffeine is what gives you that boost.
441898284*	A	Creatine.
442049943	A	Caffeine.
442066616	A	Caffeine.
442099237	A	A boost.
442152074	A	Don't know.
442156112	A	Vitamin C, sugar.
442223552	A	Vitamins B12 and B6.
442224260	A	Don't know.
442229980	A	Vitamins B12 and B6.
442253926	A	Caffeine.
442260210*	A	The label suggests that the energy boost comes from creatine, caffeine, CoQ10 and BCAAs.
442274772	A	Vitamin B12 and caffeine.
442300737	A	Caffeine.

ID	Ver.	C4.
442300759*	A	If the words are to be correct, there is caffeine, creatine, and CoQ10. I assume that those are all things that will boost alertness and help to keep you in that state for a period of time, thus giving the desired effect of perceived energy.
442304269	A	Don't know.
442304779*	A	Creatine.
442308114	A	Don't know.
442318348	A	Sugar.
442318440	A	Caffeine, vitamin B and other natural ingredients are listed. They are the same as an energy drink, but with less than half of their ingredients.
442321626*	A	Creatine, caffeine, branched chain amino acids, CoQ10.
442323084	A	Caffeine.
442327357	A	Caffeine.
442335767	A	Caffeine.
442340912	A	Caffeine.
442353415*	A	Creatine, caffeine, CoQ10 & BCAA.
442353721	A	Don't know.
442353919	A	Vitamins C, B, and magnesium.
442361339	A	Mango.
442365404	A	Caffeine.
442365619	A	A healthy product with low calories.
442386778	A	Don't know.
442390626*	A	It is implied that the creatine is the main energy booster, along with the B vitamins and magnesium.
442411553	A	Don't know.
442433427	A	Caffeine.
442433605*	A	Caffeine, creatine, BCAAs.
442442305	A	Caffeine.
442479456*	A	Creatine.
442488784	A	Caffeine.
442503202	A	Caffeine.
442503560*	A	Creatine.
442508696	A	Peach and mango.
442517489	A	Caffeine, about two cups of coffee.
442517681	A	Ginseng.
442518008	A	Caffeine.
442522075	A	B vitamins.



ID	Ver.	C4.
442526720+	A	Caffeine and super creatine.
442531265*	A	Creatine.
442531317	A	Don't know.
442531571	A	Sugar.
442535559	A	Caffeine.
442537315	A	CoQ10 and BCAAs.
442546411*	A	B vitamins (Niacin), creatine, caffeine.
442565930*	A	Caffeine, creatine.
442579874	A	Peach mango.
442580009	A	Caffeine.
442583397	A	Vitamin B6, B12, potassium and niacin.
442601040	A	Caffeine.
442627950	A	Caffeine.
442673862	A	Caffeine.
442685709	A	Don't know.
442720368*	A	Caffeine, creatine, CoQ10, amino acids, vitamins B6, B12, and C, and Niacin.
442730781	A	Caffeine.
442732424	A	CoQ10, caffeine.
442737061	A	I can't remember.
442737761	A	Caffeine, mainly.
442768136*	A	Creatine, caffeine, B vitamins.
442775616*	A	Creatine (isn't that a hormone of some kind?), caffeine, and CoQ10/amino acids. This is amusing because CoQ10 is a primary ingredient in my facial toner.
442776258	A	Vitamins like B12.
442797335	A	Caffeine.
442811760	A	Don't know.
442812309*	A	Caffeine, creatine, CoQ10, amino acids.
442820355	A	Caffeine.
442839018	A	Don't recall.
442874947*	A	Creatine and caffeine.
442888158	A	Caffeine.
442909566	A	Guarana.
442918989	A	Caffeine, CoQ10.
442928241*	A	Creatine, BCAAs.

ID	Ver.	C4.
442936669	A	Caffeine.
442956181	A	Caffeine.
442967451	A	BCAA, CoQ10, caffeine.
442988795	A	Very good.
442999308	A	Caffeine and BCAA.
442999323*	A	Caffeine, creatine, CoQ10 and BCAAs.
443070357	A	C.
443079204	A	In the description, it tells me the proteins and the energy that it contains.
443079707*	A	Creatine.
443085749	A	Caffeine, BCAAs.
443093245	A	Caffeine.
443155754	A	Don't know.
443171226*	A	Creatine, caffeine, CoQ10.
443185185	A	Don't know.
443195811	A	Caffeine.
443280778	A	Caffeine.
443310524	A	Don't know.
443316304	A	Caffeine.
443326408*	A	CoQ10, creatine.
443349395*	A	Creatine.
443349442	A	Don't know.
443361204	A	Vitamin B12.
443370809	A	Don't know.
443370914	A	Don't know.
443384130	A	Sugar.
443391462*	A	Creatine, caffeine, CoQ10 and BCAAs.
443397668*	A	Creatine and BCAA.
443425794	A	B12, Vitamin C.
443436579	A	Caffeine.
443457985	A	Niacin.
443472520	A	Caffeine.
443472684	A	Vitamins C, B6, and 12.
443483266*	A	Creatine.
443507154	A	Don't know.
443535148*	A	Creatine, vitamin C.
443558752	A	Caffeine.

ID	Ver.	C4.
443627005	A	Don't know.
443650920	A	Caffeine.
443654827	A	Don't know.
443663464	A	Vitamin B12 and caffeine.
443729157*	A	Caffeine, creatine.
443730401	A	The type of product that contains this energy drink and the ingredients.
443751700	A	Caffeine.
443777719*	A	The creatine and vitamins.
443790479	A	Caffeine.
443790692*	A	Creatine, caffeine.
443790982	A	Don't know.
443795546	A	Caffeine.
443797609	A	Caffeine.
443799303	A	Vitamins, magnesium.
443802694	A	Caffeine.
443805108	A	Caffeine.
443808440	A	Caffeine.
443810737	A	Don't know.
443814471	A	Sodium, potassium.
443814927*	A	Creatine.
443818211	A	The amino acids and CoQ10.
443830002	A	Sugar.
443834991	A	Caffeine, vitamin B.
443835174	A	The B vitamins.
443838487+	A	Super creatine.
443845971	A	It's new and different.
443846425	A	Sodium and potassium and vitamin B12.
443856274*	A	Creatine.
443875472	A	Caffeine, vitamins, etc.
443886929	A	Caffeine, niacin and vitamin B.
443887304*	A	This product has creatine and caffeine, which will boost your energy.
443938413*	A	Caffeine, creatine.
443944606	A	Caffeine, B vitamins, CoQ-something.
443945014*	A	Caffeine and creatine.
443952254	A	Ultra CoQ10, caffeine.
443953379	A	Caffeine.

ID	Ver.	C4.
443971477	A	Caffeine.
443971801	A	Caffeine and B vitamins.
443981340*	A	The creatine in it.
443989679	A	CoQ10.
444019199*	A	Creatine and caffeine.
444025401	A	Don't know.
444074344	A	Caffeine.
444078729*	A	Creatine, caffeine.
444082003	A	Not sure. I'm sure there is plenty of the "usual" stuff in energy drinks. I thought that the sidebar in the second photo was far too cluttered to actually bother reading for most people. Certainly too much to retain, and I could not read it or understand at a glance.
444083010*	A	Creatine, caffeine.
444084047	A	Caffeine.
444100160	A	The flavor.
444115379	A	All of them.
444118817	A	Don't know.

## **Appendix I**

### **What the Package Mainly Communicates About the Product (Question C1)**

*Base: All Control Group Respondents*

C1. What, if anything, does this package mainly communicate to you about this product?

ID	Ver.	C1.
439892517	B	An energy drink with no sugar.
439976174	B	Brain power.
440270546	B	Natural. 0 calories, no crash.
440426445	B	Energy drink, made in the USA.
440615782	B	Energy drink.
440615836	B	Don't know.
440650289	B	That it is unhealthy.
440707504	B	Bang, no calories.
440720370	B	It sounds like it's a better energy drink than the rest. It has vitamins and amino acids, without spiking your cholesterol or blood sugar levels.
440720399	B	Nothing.
440720572	B	Sounds high-intense.
440720771	B	It is supposed to be a healthy product.
440720835	B	An energy drink with protein.
440720904	B	This is a zero-calorie energy drink.
440720961	B	Bang Energy Drink.
440720963	B	Drink to fuel brain, mango peach flavor, 0 calories.
440726446	B	Energy, tastes good.
440726524	B	It's peach mango and is zero calories.
440726609	B	Don't know.
440726707	B	It mainly tells you it is not a sugary soda drink disguising itself as an energy drink. It has caffeine in it. No calories.
440731382	B	Don't know.
440731911	B	Lots of caffeine.
440731951	B	That it is brain food, and has 300 mg of caffeine.
440732213	B	Keeps you awake, alert and active, with caffeine as the main ingredient.
440732554	B	It goes out of its way to communicate the amount of caffeine by comparison to coffee, which makes it easier to evaluate than other energy drinks. It also doesn't have high sugar, which is dangerous for many people.
440732612	B	Bang is keto-friendly and low-carb.
440754871	B	Peach mango energy drink.
440754919	B	Bang Energy Drink.
440770308	B	A high level of caffeine and little-to-no nutritional value.
440776490	B	Nutritious and healthy.
440776762	B	It fuels your energy for the day.

ID	Ver.	C1.
440780273	B	It's an energy drink, intended for people not concerned with the health of the beverages they consume.
440788595	B	It has a lot of caffeine, and no (or very little) sugar.
440792882	B	Potent brain and fuel energy.
440815649	B	Looking tasty, energizing, great for healthy options.
440830128	B	I think it's trying to communicate the product as an exciting energy drink fit for people who like to go out and do stuff!
440830167	B	That it is an energy drink.
440837355	B	It has a beautiful design.
440851413	B	Another high-caffeine energy drink. I think the cross hairs on the "b" in Bang will be controversial and probably have to go.
440892914	B	This is a caffeinated energy drink that's fruit-flavored.
440900528	B	It has lots of caffeine.
440906483	B	Body fuel.
440908884	B	A healthy drink.
440927871	B	Energy.
440937843	B	A high-caffeine drink.
440950805	B	I like the taste of mango.
440959107	B	Gives you energy.
440968758	B	Trendy branding, sort of "punk rock" style.
440999367	B	It's a typical energy drink.
441031111	B	A drink that has positive health elements.
441066128	B	High caffeine.
441082155	B	It's a mental stimulant energy drink, without the sugar and calories most energy drinks have.
441092794	B	This product is a zero-calorie energy drink.
441101805	B	A beneficial drink.
441114448	B	It doesn't communicate too much, but it's nice.
441153338	B	Natural flavors.
441154205	B	It's an energy drink.
441157684	B	Don't know.
441159199	B	A good source of energy and protein.
441166689	B	It has no healthy value.
441167299	B	It's an energy drink that does not cause a crash in energy after the boosting effects wear off.
441167620	B	Sleek, pop art, quality.
441172429	B	A no-sugar, no-crash protein energy drink.

ID	Ver.	C1.
441175379	B	0 calories, 0 sugar.
441176944	B	Low carb, high caffeine, cool like the 2nd amendment. Fast.
441189339	B	Low calorie, low carb, for young people.
441192148	B	Don't know.
441193173	B	That the product is an energy drink.
441196229	B	It's not an energy drink.
441248170	B	A better-for-you energy drink with important chemical compounds added to promote brain and body health.
441263333	B	A high-energy drink.
441268353	B	That it is not your typical sugary drink.
441274098	B	An energy drink with zero calories.
441311894	B	It is not your typical high-sugar energy drink that allows crashing.
441331771	B	That it's not your typical energy drink.
441335207	B	It's an energy drink.
441362981	B	It's sugar-free.
441363439	B	It is an energy drink, no sugars, no artificial colors.
441367887	B	An energy drink with no calories.
441367910	B	That it has no sugar and isn't a typical energy drink.
441377470	B	It's an energy drink that has caffeine and no calories or sugar.
441377697	B	That it is better for you than other energy drinks.
441378929	B	It's not for everyone, and could be dangerous to your health if used unwisely.
441383691	B	That it's fuel for your brain and body.
441387431	B	An all-natural drink.
441387540	B	It's a high-energy fruit type drink.
441407275	B	An energy drink.
441454369	B	That it is an energy drink.
441462434	B	It's an energy drink. Also, it is sugar-free, no calories.
441482817	B	It contains caffeine and other ingredients, no sugar.
441538474	B	Bang gives you energy, and proudly made in the USA.
441560484	B	Zero calories, mango flavor, no sugar crash, lots of vitamins.
441563864	B	Energy drink, mango flavored.
441585911	B	It's an energy drink. Buy me.
441589078	B	Don't know.
441592470	B	A safer energy drink.
441626482	B	That it is a better alternative to other energy drinks.



ID	Ver.	C1.
441633309	B	Don't know.
441643360	B	This product gives me enough information as to what it is made from and that it would be much better than the so-called health products that currently give false information about their product.
441664528	B	Don't know.
441665798	B	An energy drink.
441702202	B	No-calorie energy drink named Bang. No fruit juice.
441712658	B	Interesting and restful.
441713456	B	It's a very strong energy drink.
441724119	B	Don't know.
441803963	B	Caffeine.
441815698	B	It's an energy drink without the sugar.
441846769	B	It is not your normal energy drink. It's Banging good.
441919828	B	It's an energy drink with plenty of caffeine that won't give you a sugar crash.
442082839	B	Mango drink mix.
442109630	B	That it's a drink for healthy people. You shouldn't consume other caffeinated items while drinking Bang.
442179374	B	It's a bold-in-flavor, sugar-free energy drink with creatine and natural flavors.
442199881	B	Nothing that I found interesting.
442199969	B	An energy drink that's better for you and no calories.
442223213	B	It's an energy drink that contains caffeine, not sugar.
442228868	B	It's a potent energy booster.
442249218	B	That it is a cherry-flavored energy drink.
442266186	B	That it has enough caffeine for two cups of coffee. Not to be consumed under the age of 18. Zero calories, no sugar, etc.
442300817	B	Don't know.
442304436	B	It's a caffeinated energy drink with zero calories and sugar.
442308900	B	The kind of drink.
442316866	B	Sugarless, energy, delicious.
442318453	B	Don't know.
442322276	B	This is a new kind of energy drink with no sugar or carbs to make it "better" for you.
442322892	B	No sugar.
442326364	B	That it tastes great and is less filling.

ID	Ver.	C1.
442327304	B	Looks disgusting! It is probably disgusting. Why does energy drink branding have to be so tacky and huge?
442327345	B	Drink me, I'm new on the block and I give you more energy than your normal friend.
442327466	B	A more healthy energy drink.
442335882	B	It is an energy drink that supports the brain and the body. It has amino acids and other nutrients that are essential for the body, especially after working out.
442336045	B	Hype.
442340381	B	It has Bang, and it has juice and caffeine.
442344681	B	Good.
442345151	B	It's a healthy alternative to energy drinks – no sugar, low carbs.
442345293	B	It's a new energy drink.
442345544	B	An energy drink with other enhancements.
442349030	B	Bang mango flavor.
442352894	B	A healthy product.
442353459	B	Bang is a sugar-free energy drink with no crash.
442357040	B	Energy grossness.
442361059	B	You can get a boost – a Bang – if you drink this product.
442361748	B	This is an energetic product.
442364772	B	It gives me mango-flavored energy that feels the naturalness of the product.
442365760	B	It's trying to be fancy and hip.
442366068	B	It is a hardcore energy-type drink.
442376532	B	The features of the beverage.
442386786	B	It's a caffeine-based energy drink in peach mango flavor with 0 calories. It has some vitamins and minerals which have degraded and so now are worthless. It also has BCAAs.
442419346	B	No sugar, no calories.
442419584	B	The way to use the product and what it is for.
442459673	B	It's not your typical energy drink or soda.
442464877	B	It's healthy, sharpens concentration, energizes.
442471140	B	The name is Bang, and it's an energy drink.
442480136	B	No nutritional value.
442503466	B	That it is potent.
442503557	B	Seems sporty and no-nonsense in terms of providing energy. No attempt to make it seem like a natural product.

ID	Ver.	C1.
442504794	B	None.
442508014	B	Has lots of caffeine in it.
442508642	B	The color scheme grabs your attention and has an air of dominance. It also gives off the idea that it may be healthy for you, which is backed up by the statement on the back explaining the ways that other products may be harmful in which their product does not.
442512623	B	Bang is an energy drink. Also, good for the brain.
442512801	B	This is a no-calorie energy drink. Mango flavored.
442517873	B	Don't know.
442522700	B	A good product for health, since it does not have sugar and artificial flavors.
442527521	B	Zero sugar.
442531290	B	An energy drink. No sugar.
442540810	B	Energy drink.
442541560	B	An energy drink with no crash. Healthier, with less harmful ingredients.
442547565	B	It is some kind of energy drink.
442557553	B	No sugar. Better energy drink.
442561532	B	Good to drink.
442575353	B	It's for younger people.
442584678	B	I have to honestly say that this product, after carefully reading the ingredients information and other written information on the can, may not be very good for consumption by some people.
442616912	B	It's an energy drink, maybe aimed at a male demo? The graphic design and copy on the back feels a little "tough guy."
442628416	B	Its name and flavor, and it's a healthier energy drink.
442648522	B	Bang.
442676440	B	Too trendy, with the "hit the brick wall."
442679318	B	The coloring.
442703661	B	This is an effective energy drink with none of the drawbacks of high sugar.
442728502	B	An energy drink. The packaging looks extreme and bold.
442732788	B	Caffeinated and an energy boost without sugar.
442732878	B	This is an energy-boosting drink.
442737045	B	It contains a lot of caffeine.
442737204	B	That it's trendy.
442737756	B	It provides energy without all the unwanted extras that the other products have.
442760473	B	Don't know.

ID	Ver.	C1.
442777985	B	Don't know.
442783212	B	Peach mango flavor. High caffeine for energy. No sugar.
442797633	B	It is an energy drink.
442810888	B	Sounds like a new energy drink.
442811824	B	Its colorful can is eye-catching.
442812043	B	An energy drink with a sugar crash.
442812727	B	Clear to read. I like that it is zero calories.
442863871	B	Low sugar/calorie drink.
442881603	B	Special.
442892608	B	I am not interested in the product.
442904356	B	A 0 calorie, 0 carb, 0 sugar energy drink.
442913880	B	That it's a "safe" energy drink.
442919500	B	To have energy.
442923670	B	It's a no-calorie energy drink.
442928106	B	That this beverage will give you energy without sugar.
442941181	B	The general information of the product.
442956279	B	It is a healthy and high-quality product.
442971842	B	A heavily caffeinated beverage with no calories.
442973633	B	An energy drink.
442980479	B	It's serious.
442984964	B	Not like the others. No hard crashing, better ingredients, healthier, caffeine.
442992247	B	That it's a better drink for energy than others on the market.
442995692	B	It's high sugar content, and supposed to help with energy.
442999921	B	It has no sugar, no calories, and no artificial flavors.
443024410	B	No sugar, no fat, and no other health issues that would be caused by the drink.
443027690	B	It's very healthy.
443031429	B	The product is an energy drink, which is usually useful for waking me awake.
443041414	B	Sugar.
443048595	B	It is easy to drink the product.
443066897	B	Has no sugar and gives you energy.
443079276	B	That the product is potent and contains some vitamins.
443163204	B	An energy drink for the body and mind. 18 or older. Caffeine.
443223118	B	Energy drink.

ID	Ver.	C1.
443272360	B	A new energy drink without the crash of sugar.
443297597	B	A fruity drink.
443321432	B	It's not like regular energy drinks.
443323092	B	Energy drink.
443324595	B	Introduces the product and gives some info regarding why this product is better than its competitors.
443325202	B	Sugar-free.
443325670	B	An energy drink.
443328343	B	An energy drink.
443328745	B	It's different than other energy drinks.
443337505	B	It's an energy drink, and caffeine can be harmful to your health.
443337782	B	Don't know.
443357750	B	A nice fruit flavor and no sugar.
443388440	B	No sugars.
443396326	B	An energy drink.
443402324	B	An energy drink.
443404702	B	It does not have the sugars a normal energy drink has.
443409107	B	That it is a real energy drink, not a soda disguised as an energy drink.
443409512	B	There's no calories, no sugar, and no fat. Made in the USA.
443409590	B	This is a 0-calorie energy drink.
443436725	B	It's an energy drink with no sugar.
443436756	B	"This product keeps you up, but doesn't hurt you," is what they are trying to portray.
443452064	B	It tells about an energy drink.
443453906	B	Energy! It looks like a really standard energy drink. I would expect it to taste like a Monster (really sugary).
443460610	B	A no-sugar energy drink. Fuel energy with caffeine.
443466887	B	It has no calories.
443472555	B	Too much caffeine.
443472724	B	0 calories.
443477523	B	Bang, a drink for your mind and body.
443478483	B	What the can tells me is that it did not have sugars, with natural flavors.
443502219	B	Looks like a Monster knockoff.
443520574	B	An energy drink, not loaded with sugar.
443550605	B	Yes.
443568221	B	An energy drink, peach-mango flavor.

ID	Ver.	C1.
443614897	B	It tells me that the product is an energy drink.
443633101	B	I am just like all the energy drinks.
443641099	B	0 calories, 0 sugar, energy drink, peach-mango flavor.
443645451	B	Don't know.
443653173	B	It's an energy drink and I do not like it.
443654846	B	It's an energy drink with vitamin enhancements.
443696377	B	High energy and vitamins.
443696608	B	High energy drink with caffeine in it, not sugar.
443696819	B	0-calorie energy drink.
443749357	B	It is healthy.
443766200	B	A flavored energy drink with 0 sugar, carbs, calories.
443767251	B	This is an excellent product.
443789377	B	It's a typical mixture of ingredients in water that goes by the name Bang.
443790677	B	The assertive title and can shape reminds me of an energy drink. I know it's fruit-flavored, since it states it on the front with a little graphic design near it.
443792916	B	That it's not your average energy drink. That it's a lot healthier.
443796731	B	It's an all-natural energy drink that is actually healthy, and has caffeine and no sugar and no calories.
443797420	B	It's an energy drink with caffeine and vitamins.
443798140	B	It is an energy drink.
443807254	B	This is an energy drink that has a lot of vitamins. It might be better than other energy drinks out there.
443807654	B	That it provides energy and boosts performance. That it doesn't have sugar, so there's no sugar crash later.
443808419	B	Has a lot of caffeine and no sugars.
443814186	B	A new energy drink without sugar or calories that uses B vitamins and caffeine.
443819002	B	Drink energy.
443820064	B	An energy drink.
443826085	B	That it's healthy.
443827620	B	An energy drink with zero calories.
443830087	B	That this is a healthy energy drink. It has no sugars, calories, etc., and has more vitamins mixed into it, so it is a healthy energy drink.
443832461	B	Don't know.
443835552	B	An energy drink.

ID	Ver.	C1.
443838565	B	This package mainly communicates the brand, Bang, the calorie content, and the brand's product information and nutrition facts.
443840839	B	An energy drink.
443841507	B	I consider this a product a person should evaluate carefully before consuming. It does have some vitamin value, such as vitamin C, vitamin B6 and vitamin B12. It also has a lot of caffeine. I would question the statement that it is a potent brain and body fuel. The fact it is recommended for someone over 18 is a red flag for me. I like the peach-mango flavor. I would steer clear of it and not buy it.
443846001	B	Nice flavor.
443847194	B	Peach-mango, and no sugar.
443852228	B	Bang, an energy diet beverage.
443853144	B	Good energy, no calories.
443854416	B	An energy drink.
443864059	B	Quick results.
443865804	B	Energy.
443866117	B	This is a dangerous "sugar-free" product using artificial sweeteners, which have been shown to cause weight gain, diabetes, and strokes.
443903493	B	The drink and its nutrition facts.
443908301	B	An energy drink.
443910155	B	The amount of caffeine.
443925906	B	It's not like normal energy drinks. You won't get that same crash that so many others cause.
443927911	B	That it is a smooth drink, low calories.
443929213	B	Has a lot of caffeine and kids shouldn't drink it.
443940340	B	It's an energy drink that is sugar-free.
443949027	B	Don't know.
443949498	B	That the drink does not have any sugar and is full of vitamins. It's essentially a 5-Hour Energy in energy drink form.
443970437	B	It seems good.
443977930	B	Don't know.
443981839	B	Zero calories and zero sugar, and is very healthy.
443984044	B	Don't know.
443987128	B	High caffeine, no sugar.
444013216	B	Bro culture.
444034340	B	Don't know.
444042644	B	A double dose of caffeine.
444051986	B	Bang energy drinks have zero fat and zero sugar.

ID	Ver.	C1.
444065185	B	The flavor and what content.
444078948	B	Don't know.
444097980	B	It is good for the brain and energizes the body.
444102404	B	Energy drink, good for body and mind.
444115385	B	Gives energy.
444120346	B	An energy drink with no sugar.



## **Appendix J<sup>\*+</sup>**

### **What Ingredients in the Product Will Boost Your Energy (Question C4)**

*Base: Control Group Respondents Who Said the Package Does Communicate  
What Ingredients Will Boost Your Energy in Question C3*

*C4. What ingredient or ingredients in this product do you think will boost your energy?*

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*\* An asterisk indicates that this survey respondent mentioned "creatine."*

*+ A plus sign indicates that this survey respondent mentioned "super creatine."*

ID	Ver.	C4.
440270546	B	Creatyl.
440426445	B	Vitamin C, caffeine, electrolytes.
440615782	B	Caffeine anhydrous.
440720370	B	Caffeine, vitamin B12 and amino acids, calcium.
440720399	B	Don't know.
440720835	B	Peach and mango.
440720904	B	Caffeine.
440720963	B	Caffeine.
440726446	B	Don't know.
440726524	B	Vitamins C and B.
440726707	B	Caffeine.
440731382	B	Don't know.
440731911	B	Caffeine.
440731951	B	Caffeine.
440732213	B	A hefty dose of caffeine!
440732554	B	Caffeine.
440754919	B	Vitamin C.
440770308	B	Caffeine.
440776490	B	Magnesium.
440776762	B	Primarily the caffeine.
440788595	B	Caffeine.
440792882	B	BCAAs.
440815649	B	B12.
440830128	B	Number one is caffeine, and I believe Creatyl-L-Leucine, CoQ10, and BCAAs as well.
440830167	B	Don't know.
440837355	B	The handle.
440851413	B	Caffeine.
440892914	B	Caffeine, vitamins B3, B6 and B12.
440900528	B	Anhydrous caffeine, 300 mg.
440906483	B	Caffeine.
440908884	B	Don't know.
440927871	B	300 mg of caffeine.
440937843	B	Caffeine.
440950805	B	Potassium.
440959107	B	Caffeine.

ID	Ver.	C4.
440968758	B	Caffeine, B12.
440999367	B	Caffeine.
441031111	B	I'm not sure. Possibly caffeine?
441066128	B	Caffeine.
441082155	B	Primarily a high dose of caffeine.
441092794	B	Caffeine and B vitamins.
441101805	B	Caffeine and some added vitamins.
441114448	B	Caffeine.
441154205	B	Don't know.
441159199	B	Sugar.
441167299	B	Caffeine, primarily.
441175379	B	Don't know.
441176944	B	Caffeine.
441189339	B	Caffeine.
441193173	B	Caffeine.
441196229	B	Don't know.
441248170	B	Caffeine.
441268353	B	Vitamin B12, caffeine.
441311894	B	Caffeine anhydrous.
441331771	B	Don't know.
441335207	B	Caffeine, B vitamins.
441362981*	B	Creatine, amino acids.
441363439	B	Caffeine.
441367887	B	Caffeine.
441377470	B	Caffeine.
441377697	B	Caffeine.
441378929	B	Caffeine.
441387431	B	Caffeine.
441407275	B	Don't know.
441462434	B	B6 and B12.
441538474	B	Caffeine.
441560484	B	Caffeine.
441563864	B	Don't know.
441589078	B	Don't know.
441592470	B	Don't know.
441626482	B	B vitamins and niacin.

ID	Ver.	C4.
441643360	B	No fat content, no sugars, 40% sodium.
441664528	B	Caffeine, vitamin B12.
441665798	B	No sugar.
441702202	B	Caffeine.
441712658	B	Caffeine.
441713456	B	All the caffeine.
441803963	B	Caffeine.
441846769	B	BCAA. The 300 mg of caffeine, duh.
441919828	B	Caffeine.
442082839	B	Don't know.
442179374	B	Natural caffeine, CoQ10 and BCAAs.
442199881	B	Caffeine.
442223213	B	Caffeine.
442249218	B	Caffeine.
442300817	B	Don't know.
442304436	B	There are a few things I think I recognized from other energy drinks, but the main focus was the caffeine.
442316866	B	Caffeine.
442322892	B	No carbs.
442326364	B	Vitamin C and B.
442327466	B	Caffeine.
442335882	B	Caffeine.
442340381	B	Caffeine.
442344681	B	Don't know.
442345151	B	Carbonated water.
442345293	B	Caffeine.
442345544	B	Caffeine.
442349030	B	Caffeine.
442352894	B	Caffeine, B12.
442353459	B	Misc. supplements are listed in the ingredients.
442357040	B	Don't know.
442364772	B	The ingredient that increases my energy is mango, as the fruit has many nutrients that give physical strength.
442366068	B	Caffeine.
442376532	B	Sodium, potassium and vitamins.
442386786	B	Caffeine.

ID	Ver.	C4.
442419346	B	Lots of caffeine.
442459673	B	Caffeine.
442464877	B	Don't know.
442471140	B	Caffeine.
442503466	B	Don't know.
442503557	B	Caffeine, B12.
442504794	B	Potassium.
442508014	B	Caffeine.
442512623	B	Caffeine.
442527521	B	Don't know.
442531290	B	Caffeine.
442540810*	B	Creatine and caffeine.
442557553	B	Caffeine.
442561532	B	Caffeine.
442616912	B	Caffeine, amino acids.
442628416	B	Caffeine.
442648522	B	Bang.
442676440	B	Caffeine.
442679318	B	N/A.
442703661	B	Caffeine.
442728502	B	Caffeine.
442732788	B	Vitamins C, B6 and B12.
442732878	B	Caffeine.
442737045	B	Caffeine.
442737204	B	Vitamin B12.
442737756	B	Caffeine and amino acids.
442783212	B	Caffeine.
442810888	B	Caffeine.
442811824	B	Caffeine.
442812043	B	Vitamin B6, B12 aka niacin, caffeine and sugar levels.
442812727	B	Caffeine, potassium, vitamin C.
442863871	B	Caffeine.
442881603	B	Different.
442904356	B	Caffeine, Creatyl-L-Leucine, CoQ10, BCAA.
442913880	B	Caffeine.
442919500	B	The color of the packaging.

ID	Ver.	C4.
442923670	B	300 mg of caffeine, a little B vitamins.
442928106	B	Caffeine.
442941181	B	Everyone.
442956279	B	Don't know.
442980479	B	Caffeine.
442992247	B	Caffeine.
443027690	B	Vitamins C and B, and caffeine.
443031429	B	Creatyl-L-Leucine, CoQ10 and BCAA.
443041414	B	Sugar.
443048595	B	Don't know.
443066897	B	The vitamin B6.
443079276	B	Caffeine.
443272360	B	Caffeine, BCAAs.
443297597	B	Caffeine.
443321432	B	Caffeine.
443323092	B	Caffeine.
443324595	B	Caffeine.
443325202	B	B12.
443325670	B	Caffeine.
443328343	B	Caffeine.
443328745	B	Caffeine and stuff.
443337505	B	Caffeine.
443357750	B	Caffeine, vitamin C, potassium.
443388440	B	Niacin.
443396326	B	Caffeine.
443402324	B	Caffeine.
443404702	B	Caffeine.
443409107	B	Caffeine.
443409590	B	Vitamins.
443436725	B	Caffeine.
443436756	B	Creatyl L-Leucine.
443452064	B	Potassium.
443460610	B	Caffeine.
443472555	B	Caffeine.
443472724	B	Don't know.
443477523	B	Potassium and carbs to boost energy.

ID	Ver.	C4.
443478483	B	The ingredient of vitamin C.
443502219	B	Lots of caffeine and other chemicals I know nothing about.
443550605	B	Caffeine.
443568221	B	Caffeine and some vitamins.
443614897	B	Caffeine, sugar.
443641099	B	Caffeine.
443645451	B	Caffeine.
443654846	B	Caffeine.
443696377	B	Caffeine and vitamins.
443696608	B	Caffeine, vitamins, potassium.
443696819	B	Caffeine.
443749357	B	Don't know.
443766200	B	Don't know.
443767251	B	Don't know.
443790677	B	The caffeine, large amount of vitamins included, and no sugar will make you feel energized and not sluggish.
443792916	B	Caffeine.
443796731	B	Caffeine.
443797420	B	Caffeine, vitamins, and herbal ingredients.
443798140	B	Caffeine.
443807254	B	BCAAs, CoQ10, caffeine.
443807654	B	The caffeine.
443808419	B	Caffeine.
443814186	B	Caffeine, B vitamins, CoQ10.
443826085	B	Don't know.
443827620	B	Caffeine.
443830087	B	Vitamin C, niacin, magnesium.
443832461	B	Don't know.
443835552	B	Don't know.
443838565	B	This product contains caffeine and Creatyl-L-Leucine, which boosts your energy.
443840839	B	Caffeine.
443841507	B	I think the large amount of caffeine will give you somewhat of an energy boost for a short period of time.
443846001	B	Peach.
443847194	B	Power for the brain and fuel for the body.

ID	Ver.	C4.
443852228	B	Complex brain acids. B-complex is very important, like niacin and others, because the body does NOT fabricate or produce these essential vitamins that are crucial for metabolic energy conversion, that need to be supplemented outside the body.
443853144	B	B12.
443864059	B	Caffeine. Not sure about CoQ10.
443865804	B	Vitamins.
443903493	B	Carbons.
443908301	B	Potassium.
443910155	B	Caffeine.
443925906	B	Caffeine.
443929213	B	Caffeine.
443940340	B	Caffeine, L-Creatyl, vitamin B, magnesium.
443949498	B	The vitamin B and caffeine.
443970437	B	Caffeine.
443977930	B	Don't know.
443981839	B	The body and brain.
443984044	B	Don't know.
443987128+	B	Caffeine, BCAA aminos, super creatine, ultra CoQ10.
444013216	B	Caffeine, B vitamins.
444034340	B	Don't know.
444042644	B	Caffeine.
444051986	B	Vitamin B.
444065185	B	The brain.
444078948	B	I love it.
444102404	B	Vitamin B-12.
444115385	B	Don't know.
444120346	B	Caffeine.